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Report of the Committee on the Elimination of Discrimination against Women*

Twenty-sixth session

* The present document is the report of the Committee on the Elimination of Discrimination against Women on the work of its twenty-sixth session. The final report will be issued as *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 38* (A/57/38) and will include the report of the Committee on its exceptional session and twenty-seventh session (A/57/38 (Part II)).

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Letter of transmittal

2 May 2002

Sir,

I have the honour to refer to article 21 of the Convention on the Elimination of All Forms of Discrimination against Women, according to which the Committee on the Elimination of Discrimination against Women, established pursuant to the Convention, "shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities".

The Committee on the Elimination of Discrimination against Women held its twenty-sixth session from 14 January to 1 February 2002 at United Nations Headquarters. It adopted its report on the session at the 549th meeting, on 1 February 2002. The report of the Committee is herewith submitted to you for transmission to the General Assembly at its fifty-seventh session.

Accept, Sir, the assurances of my highest consideration.

(*Signed*) Charlotte **Abaka**
Chairperson
Committee on the Elimination of Discrimination against Women

His Excellency Mr. Kofi Annan
Secretary-General of the United Nations
New York

Chapter I
Matters brought to the attention of States parties

Decisions

Decision 26/I
Statement of solidarity with Afghan women

The Committee decided to adopt a statement of solidarity with Afghan women (see paras. 417-421 below).

Decision 26/II
Gender and sustainable development

The Committee decided to adopt a statement on gender and sustainable development, to be forwarded to the preparatory committee for the World Summit on Sustainable Development, to be held in Johannesburg, South Africa from 26 August to 4 September 2002 (see paras. 422-429 below).

Decision 26/III
Ending discrimination against older women through the Convention

The Committee decided to adopt a statement on ending discrimination against older women through the Convention to be forwarded to the preparatory committee for the World Assembly on Ageing, to be held in Madrid from 8 to 12 April 2002 (see paras. 430-436 below). It also decided, subject to the availability of resources, to nominate one of its members to attend the World Assembly on its behalf.

Decision 26/IV
Special session of the General Assembly on children

Recalling its decision 25/III on the special session of the General Assembly on children, the Committee decided, subject to the availability of resources, to nominate one member to participate in the special session, to be held from 8 to 10 May 2002, on its behalf.

Chapter II
Organizational and other matters

A. States parties to the Convention on the Elimination of All Forms of Discrimination against Women

1. On 1 February 2002, the closing date of the twenty-sixth session of the Committee on the Elimination of Discrimination against Women, there were 168 States parties to the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted by the General Assembly in its resolution 34/180 of 18 December 1979 and opened for signature, ratification and accession in New York in March 1980. In accordance with its article 27, the Convention entered into force on 3 September 1981.

2. A list of States parties to the Convention will be contained in annex I to the final report of the Committee for 2002. A list of States parties that have accepted the amendment to article 20, paragraph 1, of the Convention will be contained in annex II. A list of States parties that have signed, ratified or acceded to the Optional Protocol to the Convention will be contained in annex III.

B. Opening of the session

3. The Committee held its twenty-sixth session at United Nations Headquarters from 14 January to 1 February 2002. The Committee held 21 plenary meetings (529th to 549th) and met as a working group of the whole in 12 meetings.

4. The session was opened by the chairperson of the Committee, Charlotte Abaka (Ghana), who was elected at the twenty-fourth session of the Committee, in January 2001.

5. Addressing the Committee at its 529th meeting, on 14 January 2002, the Assistant Secretary-General and Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, Angela E. V. King, welcomed the two new members of the Committee who had been nominated by their Governments and accepted by the Committee to complete the terms of two former members who had resigned because of professional commitments. The

Special Adviser also introduced Carolyn Hannan, who had recently been appointed Director of the Division for the Advancement of Women.

6. While noting that the period between the twenty-fifth and twenty-sixth sessions had been marked by difficulties resulting from the tragic events of 11 September 2001, the Special Adviser indicated that there had been several highlights during that period. They included the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which had been held from 31 August to 8 September 2001, in Durban, South Africa. Several members of the Committee, including the Chairperson, had participated in the Conference, which recognized that racism, racial discrimination and related intolerance affected women and girls differently than men and boys and stressed the need to integrate a gender perspective into relevant policies, strategies and programmes against racism and racial discrimination. She also highlighted the strategies recommended by the Conference to confront racism and racial discrimination, which included the signing and ratifying of human rights and other treaties, including the Convention and its Optional Protocol, and their full implementation.

7. The Special Adviser informed the Committee on developments with respect to the situation of women and girls in Afghanistan. The United Nations had sponsored talks between four Afghan groups in Bonn, Germany, chaired by the Special Representative of the Secretary-General for Afghanistan, which had ended on 5 December 2001 with the signing of an Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions. Two women had participated as full delegates in those talks and two women had been included in the Interim Administration, one as Minister of Women's Affairs and one as Minister of Health. She also informed the Committee that the first Integrated Mission Task Force, which had been established to advise the Special Representative of the Secretary-General for Afghanistan, included three gender specialists drawn from the Division for the Advancement of Women, the World Food Programme (WFP) and the United Nations Children's Fund (UNICEF).

8. The Special Adviser drew attention to the Afghan Women's Summit for Democracy, held in Brussels, on 4 and 5 December 2001, which had been organized at the request of Afghan women by the European Women's Lobby, Equality Now and other groups, in collaboration with her Office and the United Nations Development Fund for Women (UNIFEM). The meeting, which she had attended, had been held so that Afghan women could identify their priorities for the future of Afghanistan, particularly with respect to their full participation in the peace process, including in the context of Security Council resolution 1325 (2000) of 31 October 2000 on women, peace and security. The Summit had concluded with the adoption of the Brussels Proclamation, which addressed women's demands with respect to the reconstruction of Afghanistan. The Convention on the Elimination of All Forms of Discrimination against Women was one of the human rights instruments highlighted in the Proclamation.

9. The Special Adviser informed the Committee that she and the Division for the Advancement of Women had taken every possible opportunity to encourage ratification of the Convention and its Optional Protocol, as well as acceptance of the amendment to article 20, paragraph 1, of the Convention. Letters had been sent to the Permanent Representatives of all States parties that had not yet accepted the amendment, as well as to members from States parties which had not yet accepted the amendment, urging its acceptance. Her office and the Division for the Advancement of Women collaborated with the Office of Legal Affairs in connection with that Office's treaty signature/ratification event, which took place from 19 September to 5 October 2001 and which had been directed at achieving universal ratification of the United Nations treaties most relevant to the advancement of women. A significant number of ratifications and accessions of these treaties had been achieved during the event. The Division for the Advancement of Women had also provided technical support for a subregional training workshop organized by the Secretariat of the Pacific Community, with support from the United Nations Development Programme (UNDP) and the Government of the United Kingdom of Great Britain and Northern Ireland on ratification of the Convention.

10. The Special Adviser informed the Committee that, taking into account its decision 25/1, the General Assembly had authorized the Committee to hold, on an exceptional basis, an extraordinary session of three weeks' duration in 2002, to be used entirely for the consideration of the reports of States parties in order to

reduce the backlog of reports. She indicated that, in considering the matter, the Advisory Committee on Administrative and Budgetary Questions had expressed the view that the expected elimination of the backlog might be temporary unless the Committee on the Elimination of Discrimination against Women reforms its methods of work, including its reporting procedures, and provides guidelines concerning the length of reports from States parties. The Advisory Committee was also of the opinion that the Committee and the States parties should consider adopting reporting guidelines that could limit the length of reports of States parties and streamline their structure and content.

11. In closing, the Special Adviser indicated that the work of the Committee during its current session would include consideration of the reports of eight States parties and continuation of the discussion of the general recommendation of the Committee on article 4, paragraph 1, of the Convention concerning temporary special measures aimed at accelerating de facto equality between men and women. She also recalled that the World Summit on Sustainable Development would take place in Johannesburg from 26 August to 4 September 2002, and that the Committee might wish to prepare input for that event.

C. Attendance

12. All members of the Committee attended the twenty-sixth session.

13. A list of the members of the Committee indicating the duration of their terms of office will appear in annex IV to the final report of the Committee for 2002.

D. Solemn declaration

14. At the opening meeting of the twenty-sixth session, at the 529th meeting, before assuming their functions, two members made the solemn declaration provided for under rule 15 of the Committee's rules of procedure. They were Christine Kapalata (United Republic of Tanzania), who had been nominated by her Government and accepted by the Committee to complete the remaining period of the term of Asha Rose Mtengeti-Migiro, and Fumiko Saiga (Japan), who had been nominated by her Government and accepted by the Committee to complete the remaining period of the term of Chikako Taya.

E. Adoption of the agenda and organization of work

15. The Committee considered the provisional agenda and organization of work (CEDAW/C/2002/I/1) at its 529th meeting on 14 January 2002. The agenda as adopted was as follows:

1. Opening of the session.
2. Solemn declaration by new members of the Committee.
3. Adoption of the agenda and organization of work.
4. Report of the Chairperson on activities undertaken between the twenty-fifth and twenty-sixth sessions of the Committee.
5. Consideration of the reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
6. Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.
7. Ways and means of expediting the work of the Committee.
8. Provisional agenda for the twenty-seventh session.
9. Adoption of the report of the Committee on its twenty-sixth session.

F. Report of the pre-session working group

16. The pre-session working group for the twenty-sixth session of the Committee met from 23 to 27 July 2001 to prepare lists of issues and questions relating to the periodic reports that would be considered by the Committee at that session. The following members, representing different regional groups, participated in the Working Group: Mavivi Myakayaka-Manzini (Africa); Heisoo Shin (Asia); Frances Livingstone Raday (Europe); and Zelmira Regazzoli (Latin

America and the Caribbean). Ms. Zelmira Regazzoli was elected as its Chairperson.

17. The working group prepared lists of issues and questions relating to the reports of five States parties, namely: Iceland, Portugal, the Russian Federation, Sri Lanka and Uruguay.

18. At its 531st meeting, on 16 January 2002, the Chairperson of the pre-session working group introduced the report of the group (CEDAW/PSWG/2002/1/CRP.1 and Add.1-5).

G. Organization of work

19. At its 529th meeting, on 14 January 2002, the Committee decided to take up issues under agenda item 6, on implementation of article 21 of the Convention, and agenda item 7, on ways and means of expediting the work of the Committee, through a working group of the whole. The issues it decided to consider were: the general recommendation on article 4.1 of the Convention; the draft model form for communications prepared by the working group on the optional protocol; human rights education; and the agenda for the inter-treaty body meeting to be held in June 2002.

Chapter III
Report of the Chairperson on the activities undertaken between the twenty-fifth and twenty-sixth sessions of the Committee

20. At its 529th meeting, on 14 January 2002, the Chairperson of the Committee, Charlotte Abaka, briefed the Committee on her attendance at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, including her participation in a number of important parallel events. They included an event entitled "The Voices of Victims — Human stories of racial discrimination with first-hand accounts from every region of the world", and a round table on the "Impact of Multiple Forms of Discrimination on Women", which was organized by the Office of the United Nations High Commissioner for Human Rights and the Division for the Advancement of Women and was chaired by the High Commissioner for Human Rights, Mary Robinson. The Chairperson indicated that, during the round table, she had highlighted the Committee's statement on gender and racial discrimination. The Chairperson emphasized the fact that the Committee's work had attracted significant interest at events during the World Conference.

21. The Chairperson stated that the Convention was an effective tool in achieving sustainable human, economic, social and cultural development. She strongly recommended that the Committee place more emphasis on human rights education and actively participate in the final years of the United Nations Decade for Human Rights Education (1995-2004). She identified gender-sensitive human rights education as a critical strategy to address inequalities, injustices and abuses in the home, the workplace, the streets, courts, prisons and elsewhere. She stated that citizens and policy makers should learn to understand human rights obligations and responsibilities and that they should learn to monitor and enforce human rights effectively and efficiently.

Chapter IV
Consideration of reports submitted by States parties under article 18 of the Convention

A. Introduction

22. At its twenty-sixth session, the Committee considered the reports of eight States parties submitted under article 18 of the Convention: the initial report of one State party; the combined initial, second and third periodic reports of two States parties; the combined second and third periodic report of one State party; the combined third and fourth periodic reports of two States parties; the third and fourth periodic reports of one State party; and the fifth periodic report of one State party.

23. The Committee prepared concluding comments on each of the States parties considered. The Committee's concluding comments, as prepared by members of the Committee, and a summary of the introductory presentations by the representatives of the States parties are provided below.

B. Consideration of reports of States parties

1. Initial report

Fiji

24. The Committee considered the initial report of the Republic of the Fiji Islands (CEDAW/C/FJI/1) at its 530th and 531st meetings, on 17 January 2002, and its 538th meeting on 22 January 2002 (see CEDAW/C/SR.530, 531 and 538).

(a) Introduction by the State party

25. In introducing the report, the representative of Fiji stated that her country believed in the spirit and the goals of the Convention on the Elimination of All Forms of Discrimination against Women, was committed to human rights and took its obligation to implement the Convention seriously. Fiji was proud to be the first Pacific island State to report to the Committee, and before submitting the initial report in early 2000, had withdrawn its reservation to article 5 (a) of the Convention.

26. The representative said that the report had been a collaborative effort of all governmental sectors, in partnership with civil society and non-governmental organizations, and that Fiji had shared its experiences in the preparation of its initial report at the workshop conducted by the Division for the Advancement of Women in New Zealand in 2001.

27. The representative informed the Committee that the isolation of Fiji and her Pacific island neighbours from the rest of the world made the country susceptible to global economic forces and, consequently, sporadic political upheavals, and the country's goals and priorities were affected by social, economic and environmental vulnerabilities. Fiji relied on a small export base dealing in an open market in international trade and a sluggish economy had led to major job losses, outward migration, a lowering of the living standard, increased poverty and crime. She pointed out that over half of the predominantly highly skilled and qualified professionals who had migrated from Fiji in recent years had been women.

28. An attempted civilian coup d'état on 19 May 2000 had disrupted parliamentary rule by the democratically elected Government. General elections had since been conducted, restoring constitutional democracy and political stability. A total of 26 of the 353 candidates were women and 5 had been successful. Currently, two women are cabinet ministers, two are assistant ministers and one is a member of the Opposition. There are three women in the 32-member Senate.

29. Poverty continued to be a growing concern, with a 1996 study revealing that 25.5 per cent of households lived below the poverty line. Single-headed households accounted for 20 per cent of the poor, with one in seven being female-headed. Means to address that included the reconstituting of the Ministry for Women to achieve parity with the Department of Social Welfare and the Department of Poverty Alleviation, thereby recognizing the linkage between gender and poverty, which had been flagged in the 2000 Millennium Declaration. Fiji had recognized that the alleviation of poverty would advance women's rights and bring the country closer to its goal of social equity. Thus, the 2002 government budget allocation for poverty alleviation and rural development had increased by $56 million.

30. Gender mainstreaming approaches were being pursued especially in the implementation of the Women's Plan of Action of the Government of Fiji. Some efforts by civil society and non-governmental organizations to provide programmes, advocate and lobby for women's strategic and practical needs were government-subsidized and complemented the Government's efforts in the areas of violence against women, women in politics, women in the media, peace-building and legal reforms. Part of the commitment of her Government to provide programmes for disadvantaged groups or categories of persons to achieve equality included economic support to promote a more equitable development for indigenous Fijians and Rotumans. The Social Justice Act was passed in December 2001, implementing chapter 5 of the 1997 Constitution, which required Parliament to make provision for a framework for decisions on policy and legislation for affirmative action.

31. The preceding two years of political crisis had made national security the Government's top priority. However, progress had been made on a number of issues, including a review of the penal code on sexual offences. Legislation on offences against children had been amended to address an increase in paedophilia. Women in Fiji had followed the commercial law reform with interest, especially with regard to intellectual

property rights, as the protection of indigenous and cultural knowledge and property rights was of concern.

32. The representative informed the Committee of the implementation of her Government's commitment at the Fourth World Conference on Women in Beijing to campaign against violence against women. Programmes and training workshops had been supported by the Government, and financial support had been provided for civil society organizations offering support and shelter to victims. The Ministry of Women, Social Welfare and Poverty Alleviation had formed a task force on violence against women which was working closely with women's organizations and civil society on a domestic violence agenda for appropriate legislation or remedies. It was hoped that results would be achieved in 2002.

33. On the issue of access and participation of girls in education, the Fiji Islands Education Commission/Panel (November 2000) had pointed to an increase of 19.8 per cent in primary schools, and a 405 per cent increase in secondary schools between 1970 and 1999. Women lagged behind in science and technology, however. Therefore, career choices in those fields for most girls and young women were limited. The reason for that was, inter alia, that schools predominantly offered home economics and typing to girls and technical drawing, woodwork and metal work to boys, in addition to gender stereotyping in curriculum materials. Women's enrolment in non-traditional fields had increased as a result of scholarships funded by donor Governments and similar initiatives adopted by local institutions.

34. Women's reproductive health was well catered for, but women's mental health was a neglected area. Sexually transmitted infections had continued to escalate, and the Ministry of Health had set a number of priority areas, including HIV prevention, care of and support for persons living with HIV/AIDS and testing. The health sector had suffered, however, from the out-migration of health professionals.

35. The representative indicated that the work of rural women was rarely acknowledged in national statistics and there were no figures available for women farmers, fisherfolk or forestry workers or rural businesswomen. Rural women's access to education and health required improvement. The Government was emphasizing development for rural areas, and the Ministry of Women, Social Welfare and Poverty Alleviation was making all efforts to ensure equitable development for both rural and urban women and men.

36. Gender roles were deeply rooted in all communities in Fiji and, despite education and changes that had occurred in traditional gender roles, women's status was unequal to that of men. Changes were beginning to occur among urban families, where both women and men worked, but decision-making continued to be the realm of men. Domestic violence affected most homes in Fiji, irrespective of social or economic status, but that had only recently become a public issue. The breakdown of the family unit was of major concern, with applications for legal aid assistance in family law matters, including divorce, maintenance and custody, having sharply increased.

37. The representative concluded by stating that Fiji's specific vulnerabilities underscored the need to strengthen technical support and assistance at the international and regional levels, as well as building effective networks and partnerships with non-governmental organizations, civil society and the private sector.

(b) Concluding comments of the Committee

Introduction

38. The Committee expresses its appreciation to the State party for its initial report which, although delayed, was informative, contained data disaggregated by sex and complied with the Committee's guidelines for the preparation of initial reports.

39. The Committee commends the State party on its delegation, headed by the Assistant Minister of the Ministry of Women, Social Welfare and Poverty Alleviation.

Positive aspects

40. The Committee commends the efforts made to ensure the implementation of the Convention through a wide range of laws, policies and programmes, with the support and active participation of women's civil society organizations. The Committee commends the State party for preparing its initial report in consultation with these organizations. It commends the launching of the Women's Plan of Action 1999-2008, which incorporates commitments of the Beijing Platform for Action.

41. The Committee welcomes the introduction of a specific provision on gender equality in the Constitution of 1997, and the establishment in Fiji of the first human rights commission in the South Pacific region. The Committee appreciates the recognition given to public international law in interpreting the Constitution and notes that this has helped courts to use the Convention in judicial interpretation. The Committee commends the State party for withdrawing its reservations to articles 5 (a) and 9 of the Convention. It also welcomes the extensive programme of law reforms in critical areas in conformity with the Constitution and the Convention and commends in particular the enactment of a citizenship law based on article 9 of the Convention.

42. The Committee commends the State party for establishing the Ministry of Women, Social Welfare and Poverty Alleviation and facilitating the integration of the central dimension of gender into social welfare and poverty reduction. The Committee also welcomes the creation of several institutional mechanisms, including the National Women's Advisory Counsel, to promote gender equality and implement the Women's Plan of Action.

43. The Committee commends the efforts of the State party to strengthen gender mainstreaming and monitoring through the gender budget initiative, and a gender audit project and welcomes the initiatives taken on human rights education and gender training.

Factors and difficulties affecting the implementation of the Convention

44. The Committee notes that stereotypical attitudes towards women's work and family responsibilities impede full implementation of the Convention.

45. The Committee recognizes that periods of political instability, ethnic tensions, low economic growth and increasing poverty in a period of economic transition have impacted negatively on the State party's efforts to implement the Convention.

Principal areas of concern and recommendations

46. The Committee expresses concern that the Constitution of 1997 does not contain a definition of discrimination against women. The Committee notes the absence of effective mechanisms to challenge discriminatory practices and enforce the right to gender equality guaranteed by the Constitution in respect of the actions of public officials and non-State actors. The Committee is concerned that the Convention is not specified in the mandate of the Human Rights Commission, and that it is not assured funds to continue its work.

47. The Committee recommends that proposed constitutional reform should address the need to incorporate a definition of discrimination. The Committee urges the State party to include a clear procedure for enforcement of fundamental rights and enact an equal opportunities law to cover the actions of non-State actors. The Committee also recommends that the mandate of the Human Rights Commission be expanded to include the Convention, and that the Commission be provided with adequate resources from State funds.

48. The Committee is concerned that the Social Justice Act and the "Blue Print", which propose affirmative action for the indigenous Fijian population, do not integrate a gender perspective.

49. The Committee recommends that the Social Justice Act and the "Blue Print" be evaluated for their impact on both ethnicity and gender, to ensure respect for gender equality, and human rights in Fiji's multicultural plural society. The Committee urges the State party to introduce an effective monitoring mechanism to ensure that these programmes conform with fundamental rights guaranteed by the Constitution and the Convention's concept of temporary special measures, and contributes to the elimination of discrimination against all Fijian women.

50. The Committee is concerned that, despite significant gains in education, some equal employment opportunities policies and an accessible database on qualified women professionals, women's political participation and access to decision-making positions remain limited.

51. The Committee recommends the introduction of temporary special measures in accordance with article 4.1 of the Convention to increase the representation of women in national and local assemblies, and in decision-making positions at all levels.

52. The Committee notes the active participation of women's civil society organizations, and recommends that this rich resource continue to be used for sustainable development and the promotion of gender equality in Fiji.

53. The Committee recommends that the participation of women's civil society organizations in the Women's Advisory Council be strengthened, and that the various governmental machineries work in a coordinated manner with them in implementing the Women's Plan of Action 1999-2008.

54. The Committee notes that women shoulder a heavy burden of dual responsibility at work and in the family, and that there has been an increase in the number of female heads of households. It is concerned that entrenched stereotypical attitudes to women in society and the idea of an exclusively male head of household encourage segregation in employment and a denial of the economic contribution of women.

55. The Committee recommends an accelerated and broad-based programme of human rights education and gender training which includes dissemination of information on the Convention, with a view to changing existing stereotypical attitudes. It also recommends changes in laws and administrative regulations to recognize women as heads of households and the concept of shared economic contribution and household responsibilities.

56. The Committee notes with concern that women do not receive equal wages for work of equal value and are denied equal access to employment and promotion. Furthermore, the working conditions of women, particularly in the tax-free zones, contravene article 11 of the Convention. The Committee also notes with concern that pregnancy leave is not mandatory.

57. The Committee recommends the very early adoption of the Industrial Relations Bill and Equal Opportunity legislation and a repeal of outdated labour laws. Legal reforms should make pregnancy leave mandatory and deal with sexual harassment in the workplace. The Committee calls upon the State party to promote the adoption of a code of ethics for investors, including in the tax-free zones.

58. The Committee notes with concern the high incidence of ethnic and gender-based violence against women in periods of civil unrest. It is concerned that, despite the State party's positive initiatives to address gender-based violence, there are high levels of domestic violence and sexual abuse of girls and women. The Committee is also concerned that the social customs on the husband's right of chastisement, and "bulu bulu", give social legitimacy to violence. The Committee also notes that the Evidence Bill, which introduces reforms in procedures with respect to sexual offences, has not been adopted.

59. The Committee requests the State party to strengthen its initiatives to combat gender-based violence and adopt the proposed laws on domestic violence and sexual offences very early, prohibiting practices that legalize violence against women. In particular, it calls on the State party to reinforce its "no drop" policy by prohibiting the reconciliation of cases of rape and sexual assault on the basis of the "bulu bulu" custom. The Committee recommends the early passage and entry into force of the Evidence Bill.

60. The Committee notes with concern that an increase in levels of poverty and adverse economic conditions are undermining Fiji's gains in women's education. These conditions have led to a higher incidence of girls dropping out of school, with connected problems of early marriage, teenage pregnancies and sexual exploitation.

61. The Committee recommends the introduction of targeted policies and programmes to reduce poverty, prevent early marriage, teenage pregnancies and girls dropping out of school.

62. The Committee notes the gains achieved with regard to women's health but is concerned that women in remote islands are adversely affected by maternal and infant mortality. It notes that out-migration of health professionals has led to a decline in health services, and that cervical cancer and circulatory diseases are a major cause of female death. The Committee also notes with concern the growing incidence of sexually transmitted diseases, including HIV/AIDS.

63. The Committee recommends that priority be given to allocating resources for improving health care services for women, including in the remote islands, and combating sexually transmitted diseases, including HIV/AIDS. It encourages the State party to introduce proactive measures and incentives to attract local health professionals to the health services in Fiji.

64. The Committee is concerned that there is a growing problem of prostitution due to economic hardship, and that a colonial law from 1944 which penalizes the conduct of only women who engage in prostitution continues to be enforced.

65. The Committee recommends an holistic and integrated programme of law reform, and policies and

programmes to facilitate reintegration, and the criminalization of the actions of only those who profit from the sexual exploitation of women.

66. The Committee notes with concern that family laws in Fiji contain many discriminatory provisions, and that restrictive divorce laws encourage violence, including suicide. It also notes with concern that the proposed Family Law Bill has not been adopted.

67. The Committee urges the early adoption of the Family Law Bill and calls for the law on family relations of all communities to be brought into conformity with the Constitution and the Convention.

68. The Committee urges the State party to sign and ratify the Optional Protocol to the Convention and to deposit, as soon as possible, its instrument of acceptance of the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

69. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report submitted under article 18 of the Convention. It particularly requests information on the impact of legislation, policies and programmes.

70. The Committee requests the wide dissemination in the Republic of the Fiji Islands of the present concluding comments in order to make the people of Fiji, in particular governmental administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and of the further steps that are required in this regard. It requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace in the twenty-first century".

2. Combined initial, second and third periodic reports

Estonia

71. The Committee considered the combined initial, second and third periodic reports of Estonia (CEDAW/C/EST/1-3) at its 539th, 540th and 548th meetings, on 23 and 29 January 2002 (see CEDAW/C/SR.539, 540 and 548).

(a) Introduction by the State party

72. In introducing the report, the representative indicated that the Estonian women's movement had begun in the 1880s when the first women's organizations were established; that the Women's Union, founded in 1907, had spoken publicly about women's rights, including equal pay for equal work, and that the first Estonian Constitution in 1920 had granted women the right to vote. Women's organizations became very active in the 1980s, and after the independence of Estonia in 1991, several new women's organizations were founded, and gender equality issues were readdressed in connection with the Fourth World Conference on Women, held at Beijing. An inter-ministerial committee had been established in 1996 for the promotion of gender equality, and included in its priorities the creation and strengthening of national structures to integrate the principle of gender equality; the analysis of the compliance of Estonian legislation with international standards of gender equality; a guarantee with regard to the availability of gender-sensitive statistics; and the improvement of the situation of women in the labour market and the increase of women's participation in decision-making.

73. Gender equality initiatives in Estonia were promoted by numerous foreign-funded initiatives, including through research into the economic and social situation of women and men, and contacts and cooperation with women's rights advocates, other countries, in particular the Nordic countries, and international and regional organizations. In 1991, Estonia acceded to almost 30 of the most important United Nations conventions. Owing to the speedy ratification process and large-scale legal reforms, Estonia had faced serious difficulties in presenting reports on the implementation of the conventions in a timely manner, but a number of reports had now been submitted. Estonia had ratified a number of conventions of the International Labour Organization (ILO), including convention No. 100 on equal remuneration, and, as a member of the Council of Europe, had ratified the major instruments dealing with human rights. In addition, as an applicant to the European Union, Estonia had harmonized its national

legislation with European *acquis* in the area of labour. Since 1998, measures promoting equality between women and men had formed part of the Government's action plan, and the Government's National Programme for the Adoption of the *Acquis* included sub-chapters on equal treatment for women and men and on gender equality.

74. The representative indicated that the Estonian Constitution guaranteed equal rights to everyone, and the rights of women had been addressed in several Estonian laws. The draft Gender Equality Act, which had been submitted to the Estonian Parliament at the end of 2001, inter alia, explicitly prohibited direct discrimination; provided measures against indirect discrimination; and obliged employers to promote equality between women and men. The representative informed the Committee that the Legal Chancellor's Office was responsible for supervising the activities of the State, including the enjoyment of the guarantee of constitutional rights and freedoms, and no petitions concerning violations of women's rights had so far been filed with that office. The Gender Equality Bureau in the Ministry of Social Affairs coordinated the mainstreaming of gender equality; monitored the legislative process in terms of gender impact; and organized the preparation of national gender promotion action plans.

75. The representative indicated that continuous attention had been given to increasing public awareness of gender issues and a number of gender training programmes had been implemented. The engagement of civil society in gender equality matters was welcomed, and Estonian women's non-governmental organizations, whose numbers had dramatically increased during the past decade, were in the process of consolidation, including through the formation of regional round tables. In 2001, the Government allocated for the first time financial resources to support women's round-table activities and networking.

76. The representative indicated that, while the representation of women in decision-making positions should be greater, positive changes had taken place. Gender equality had been incorporated into the platforms of several political parties; the representation of women in Parliament and in local authorities had increased in the 1999 elections; and the Government that was currently being formed would include five women ministers. Women made up approximately two thirds of all part-time workers; there was a high degree of horizontal and vertical employment segregation between women and men; and women's average wages had been approximately one quarter less than men's wages. The Wages Act guaranteed equal pay and prohibited discrimination on the grounds of sex with regard to remuneration, but the relatively high unemployment rate had caused women to seek employment in the informal sector, where they were underpaid and lacked social security. A number of measures had been taken to address the situation, including joint controls and supervision visits to companies by the Labour Inspectorate and other authorities. The National Employment Action Plan for 2002 promoted employment creation and equal opportunities and included as one of its components strengthening equal opportunities for women and men, and under the Employment Action Plan, strategies in the period 2001-2003 would be devised to integrate gender equality into the areas of employment and occupational life. Strengthening of the policy to guarantee equal opportunities for women and men was also one of the priority activities. The representative informed the Committee about measures taken to promote women entrepreneurs, particularly in rural areas.

77. The representative indicated that the health of Estonian women and children had improved significantly; information concerning reproductive health had become more available; and a programme on reproductive health for the period 2000-2009 had begun in 1999. The number of abortions was still high, but it had dropped in past years. The country was facing new problems, such as HIV/AIDS, and preventive and educational measures had been introduced to address HIV/AIDS and other sexually transmitted diseases. Significant improvements in combating violence against women had occurred, including the creation of a sociological database of the scale and scope of violence against women; and a large-scale project aimed at elaborating cooperation between the police and social workers in respect of prevention activities and assistance to victims. A government action plan for mitigation and prevention of violence against women was being formulated and included as objectives convincing the public of the danger of violence against women; improving legislation; raising the capacity of police; introducing a victim-centred approach; and increasing inter-agency cooperation.

78. Rights and benefits related to raising children were now equally directed at mothers and fathers, and the new Holidays Act, inter alia, entitled fathers to leave for 14 calendar days during the mother's pregnancy and maternity leave.

79. In closing, the representative informed the Committee that significant progress had been made to improve the position of women in Estonian society, but that efforts still had to be taken to further the full-scale implementation of the Convention. However, the Government was committed to continuing this work.

(b) Concluding comments of the Committee

Introduction

80. The Committee expresses its appreciation to the Government of Estonia for submitting its initial, second and third periodic report, and encourages the Government to present its next report in a timely manner. The report generally follows the guidelines of the Committee and contains some statistical data disaggregated by sex. The Committee also appreciates the delegation's willingness to engage in a frank and constructive dialogue with the Committee. The Committee also commends the State party's efforts to produce, in a short period of time, qualitative and informative responses to the oral questions posed by the Committee.

Positive aspects

81. The Committee notes with satisfaction that the Convention is incorporated into Estonian law and has precedence over conflicting national legislation, and that de jure equality is becoming a reality in Estonia. Furthermore, the Committee notes with appreciation the efforts undertaken to improve the situation of women and the achievement of gender equality, particularly considering the recent independence and restructuring of the country.

82. The Committee commends the State party on Estonia's high level of education, stressing in particular the situation of women in higher education, increasingly in non-traditional areas. The Committee also notes the measures adopted to promote women entrepreneurs and the progressive achievements in this area.

83. The Committee also notes with appreciation the comprehensive legislation and benefits for maternity and paternity protection, as well as projects addressing children's health and the breast-feeding programmes.

84. The Committee notes with satisfaction that the State party recognizes the important role of the increasing number of non-governmental organizations working on women's issues, in particular in the rural sector and with respect to women's political participation.

85. The Committee commends the work undertaken in awareness-raising on equality, pursued with public officials in ministries and government agencies and other social actors, and the gradually increasing role played by the media encouraged by the State party in changing sex-role stereotypes. It also notes with satisfaction the efforts made by the State party to collect and disseminate all statistical data disaggregated by sex, as well as training provided in this regard.

Factors and difficulties affecting the implementation of the Convention

86. The Committee notes that the economic transition, from a centrally planned economy to a market economy, in the last decade has posed serious challenges to the effective implementation of the Convention, and that the restructuring processes have disproportionately affected women. The Committee also notes that the resurgence of traditional views regarding gender roles also constitutes an obstacle to the implementation of the Convention.

Principal areas of concern and recommendations

87. The Committee expresses its concern that, although the Constitution recognizes that everyone is equal before the law and contains a prohibition of discrimination on the ground of sex, Estonian law does not contain a specific definition of discrimination against women modelled on article 1 of the Convention, which prohibits both direct and indirect discrimination.

88. The Committee urges the State party to include the definition of discrimination against women in its Constitution and national legislation. It recommends the adoption of the draft Gender Equality Act containing provisions to allow the adoption of temporary special measures in accordance with article 4, paragraph 1, of the Convention. It requests the State party to provide in its next report relevant information

on this law, as well as the remedies available to women for redress for violations of their rights protected under the Constitution and the Convention.

89. While welcoming the fact that, in accordance with articles 3 and 123 of the Constitution, the Convention is integrated into domestic legislation and takes precedence over such legislation, the Committee is concerned that there is still a lack of familiarity with the Convention among the judiciary, law enforcement agents and women themselves about the opportunities for the application of the Convention in domestic decision-making.

90. Acknowledging the effort already made with regard to human rights education, including on the human rights of women, and the transparency and participatory nature of the law-making process, the Committee recommends a review of law school curricula and the development of continuing education programmes for judges and lawyers that include the application of the Convention at the domestic level. It also recommends that awareness-raising campaigns addressed to women be undertaken to allow them to avail themselves of the legal remedies that assist them. It invites the State party to provide, in its next report, information about complaints filed in courts based on the Convention, as well as about any court decisions that referred to the Convention.

91. The Committee expresses its concern that the existing national mechanism for the advancement of women, the Gender Equality Bureau, a sub-unit of the Ministry of Social Affairs, although tasked with the responsibility of mainstreaming gender equality, does not have sufficient strength, visibility or human and financial resources to promote effectively the advancement of women and gender equality. The Committee also expresses its concern about the insufficient overall integrated policy of gender mainstreaming.

92. The Committee recommends that the State party strengthen the existing national machinery in order to give it more visibility and effectiveness, as well as review its mandate to carry out effectively the mainstreaming of a gender perspective in all policies. It also recommends that the State party reassess the capacity of the national machinery, provide it with adequate human and financial resources at all levels and foster more effective coordination among the existing mechanisms for the advancement of women and the promotion of gender equality.

93. The Committee is concerned that a clear understanding of temporary special measures according to article 4, paragraph 1, of the Convention, as well as the reason for their application, seems to be lacking in large parts of Estonian society and in public administration.

94. The Committee recommends that the State party raise public awareness about the importance of such measures in accelerating the process of gender equality. It also recommends that the State party introduce temporary special measures, inter alia, in the educational, employment, professional and political fields, including through encouragement to pursue disciplines and areas of work and of political intervention in which one sex is underrepresented. Such provisions should be designed with measurable goals, targets or quotas and time lines to allow their effective monitoring.

95. The Committee is concerned about the resurgence and persistence of traditional stereotypes regarding the role of men and women in the family, and in society at large. The Committee is also concerned about the lack of targeted educational programmes, mass media campaigns and temporary special measures to eliminate these stereotypes.

96. The Committee urges the State party to design and implement comprehensive programmes in the educational system and to encourage the mass media to promote cultural changes with regard to the roles and tasks attributed to women and men, as required by article 5 of the Convention. It recommends that legislation be enacted and policies adopted to cover not only the prohibition of discrimination against women but also of the more subtle utilization of and support for traditional sex role stereotypes in the family, in employment, in politics and in society.

97. While recognizing the efforts made by the State party to combat violence against women, especially domestic violence and the creation, with the collaboration of non-governmental organizations, of a database on the scope and scale of violence in Estonia, as well as the training of police officials and medical workers and specialists engaged in the victim support system, the Committee expresses its concern about the high incidence of violence against women and girls, including domestic violence.

98. The Committee urges the State party to place high priority on comprehensive measures to address violence against women in the family and in society, and to recognize that such violence, including domestic violence, constitutes a violation of the human rights of women under the Convention. In the light of its general recommendation 19 on violence against women, the Committee calls upon the State party to ensure that such violence constitutes a crime punishable under criminal law, that it is prosecuted and punished with the required severity and speed, and that women victims of violence have immediate means of redress and protection. It recommends that measures be taken to ensure that public officials, especially law enforcement officials, the judiciary, the medical profession and social workers, are fully sensitized to all forms of violence against women. The Committee invites the State party to undertake awareness-raising measures, including a campaign of zero tolerance, to make such violence socially and morally unacceptable. It recommends the introduction of a specific law prohibiting domestic violence against women, which would provide for protection and exclusion orders and access to legal aid. The Committee also urges the State party to amend the Criminal Code in order explicitly to define the offence of rape as sexual intercourse without consent.

99. The Committee notes with concern that sexual intercourse with a girl only up to 14 years of age is considered to be rape, and Estonian law permits the marriage of a girl between the ages of 15 and 18 in exceptional circumstances, such as pregnancy.

100. The Committee recommends that the State party amends its law on statutory rape and bring its law on early marriage into conformity with article 16, paragraph 2, of the Convention, and its own policies on the reproductive health of women and girls. It urges the State party to develop preventive welfare programmes to address the problem of teenage pregnancy.

101. Recognizing the efforts made by the State party to address the issue of trafficking of women and girls, the Committee notes with concern that the size of the problem is not reflected in the information provided. It also notes with concern that there is still not enough information on the subject or a comprehensive policy to address the problem, nor is there any distinct legislation regarding trafficking in women and the punishment of traffickers.

102. Welcoming the campaign against trafficking in women to be carried out in 2002, the Committee urges the State party to include in its next report more information and data on this situation and on progress made in that area. It urges the State party to adopt and implement distinct legislation on trafficking and that it increase its collaboration with other countries of origin, transit and destination of trafficked women and girls and to report on the results of such collaboration. It also recommends the creation of social support and reintegration programmes for victims of prostitution and trafficking.

103. While welcoming the information that the new Government will have 5 women ministers out of 14 Cabinet posts, including in portfolios traditionally held by men, the Committee expresses its concern at the low representation of women in decision-making bodies in the various areas and levels of political and public life.

104. The Committee recommends that the State party utilize temporary special measures in accordance with article 4.1 of the Convention to increase the number of women in decision-making levels in governmental bodies, and State-owned enterprises. It also recommends that the State party strengthen its efforts in offering or supporting special training programmes for current and future women leaders and conduct, on a regular basis, awareness-raising campaigns regarding the importance of women's participation in political decision-making.

105. While noting with appreciation the high level of education among women, the Committee expresses its concern at the continuing gender disparities regarding the educational options of boys and girls, as well as the fact that this high level of education does not result in the elimination of the wage differential between men and women, in particular the gap between female- and male-dominated sectors of employment. It also expresses concern at the indirect discrimination in the recruitment, promotion and dismissal of women.

106. The Committee encourages the State party to analyse the lack of correlation between the high level of educational attainments of women and their income levels. It recommends the introduction of measures, including through the use of temporary special measures, to accelerate the representation of women at all levels of decision-making in educational institutions and economic life. It urges the State party to continue to review and reform the curricula and textbooks in

order to combat the traditional attitudes towards women and to help to create an enabling environment for promoting women's presence in high-level and well-paid positions.

107. The Committee notes with concern that the position of women in the labour market is characterized by discrimination and by a strong occupational segregation with a concomitant wage differential. The Committee is also concerned at the situation of young women who face additional difficulties in the labour market owing to the domestic and family responsibilities assigned to them, placing them in a vulnerable position and leading to a higher incidence in part-time or temporary work among them.

108. The Committee recommends that efforts be made to eliminate occupational segregation through the adoption of the new Employment Contracts Act under preparation, as well as through efforts in education, training and retraining. There should be additional wage increases in female-dominated sectors of public employment to decrease the wage differential in comparison with male-dominated sectors. The Committee requests information in the next report on the implementation of the amendments to the Wages Act, which guarantees equal pay for equal work or work of equal value. It also recommends that effective measures allowing for the reconciliation between family and professional responsibilities be envisaged and that the sharing of domestic and family tasks between women and men be encouraged.

109. The Committee is concerned at the increase of poverty among various groups of women, in particular of those who are heads of household and those with small children.

110. The Committee recommends that the State party closely monitor the poverty situation of women within the most vulnerable groups and implement effective poverty alleviation programmes, taking into consideration the gender aspects of poverty.

111. While recognizing some improvements in the area of health, after a deterioration of the situation in the years following independence, the Committee is concerned with the increase of tuberculosis, sexually transmitted diseases and HIV, as well as with high suicide rates among women. The Committee notes with concern the high rate of abortion among women and the significance of this fact with regard to effective access to family planning methods, including contraceptives, especially among women in rural areas and low incomes.

112. The Committee draws attention to its general recommendation 24 on women and health and recommends that comprehensive research be undertaken into the specific health needs of women, including reproductive health, the financial and organizational strengthening of family planning programmes addressed to women and men and the provision of wide access to contraceptives for all women. The Committee urges the State party to reinforce programmes on sexual education for both girls and boys in order to foster responsible sexual behaviour. It also recommends that structures be established aimed at addressing the mental health problems faced by women, as well as those areas where negative developments have occurred.

113. The Committee expresses its concern that the report does not contain sufficient information on the situation of rural women, including older rural women, including with regard to their cash income, social security, access to free health-care services and social and cultural opportunities. It also expresses concern at the situation of women spouses in family business, whose work is not reflected in official statistics.

114. The Committee requests the State party to provide more information and data on the situation of rural women in its next periodic report. The Committee recommends that the State party monitor existing programmes and develop comprehensive policies and programmes aimed at the economic empowerment of rural women, ensuring their access to training, productive resources and capital, as well as to health-care services, social security and to social and cultural opportunities.

115. The Committee urges the State party to accept the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

116. The Committee also urges the State party to ratify the Optional Protocol to the Convention.

117. The Committee requests that the State party respond in its next periodic report to the specific issues raised in these concluding comments. It also requests that the report address the general recommendations of the Committee and provide information on the impact

of legislation, policies and programmes to implement the Convention.

118. The Committee requests the State party to disseminate widely the present concluding comments in Estonia and to support their public discussion, in order to make politicians and government administrators, women's non-governmental organizations and the public at large aware of the steps required to ensure de jure and de facto equality for women. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

Trinidad and Tobago

119. The Committee considered the combined initial, second and third periodic report of Trinidad and Tobago (CEDAW/C/TTO/1-3) at its 536th and 537th meetings, on 21 January, and its 547th meeting on 29 January 2002 (see CEDAW/C/SR.536, 537 and 547).

(a) Introduction by the State party

120. In introducing the combined initial, second and third report, the representative of Trinidad and Tobago regretted that, despite its efforts, the Government had fallen behind in its reporting obligations under article 18 of the Convention and had not submitted its report until January 2001.

121. A significant reason for the delay in submitting the report had been that no mechanism existed to deal with reporting under international human rights treaties and insufficient resources had been allocated for that purpose. In 1999, a Human Rights Unit was created within the Ministry of the Attorney-General for the preparation of reports required under international instruments. In order to assist the Unit, a Human Rights Committee, comprising representatives of some 13 ministries of the Government and one representative from the Tobago House of Assembly, had been established.

122. Upon the completion of the report, the Attorney-General tabled it before Parliament, outlining its content and the significance of the Convention. The report had been widely distributed, including to Government ministries, secondary schools, non-governmental and community-based organizations, international human rights organizations and public libraries.

123. By its accession to the Convention on the Elimination of All Forms of Discrimination against Women, the Government of Trinidad and Tobago had expressed its commitment to the global struggle to eliminate discrimination faced by women and to the promotion of their enjoyment of civil, political, economic, social and cultural rights. Encouraged by the review of its implementation by the General Assembly in 2000, the Government had also pledged itself to implement the actions identified in the Beijing Platform for Action. Non-governmental and community-based women's organizations assisted the Government in the implementation of the Convention. The Ministry of Community Development and Gender Affairs sought to address all forms of gender inequality and inequity through its Gender Affairs Division.

124. The representative indicated that the Constitution of Trinidad and Tobago explicitly prohibited discrimination on the ground of sex and enshrined equality and the protection of the law. Equal opportunity legislation to prohibit discrimination on the grounds of sex, colour, race, ethnicity, origin, religion, marital status or disability in the fields of employment, education, the provision of goods and services and accommodation had been passed and would enter into force following the appointment of the Equal Opportunity Commission and Tribunal. Legislation preventing employers from discriminating against female employees on account of pregnancy had been passed. The Cohabitational Relationships Act, regulating the rights of cohabiting couples, had entered into force in 1998.

125. Gender-based violence, including sexual attacks on women and young girls, was pervasive and had long been a matter of grave concern for the Government. Between 1990 and 1996, 39 domestic violence-related murders had been committed in the country. A comprehensive programme against domestic violence had been launched, the components of which included the establishment of a 24-hour national domestic violence hotline, a Domestic Violence Unit within the Gender Affairs Division, a male support programme and 19 community-based drop-in information centres. A Community Policing Section had been established

within the police service; and the Government was developing a national policy on domestic violence.

126. In 1999, the Domestic Violence Act 1991 had been repealed and replaced with legislation reflecting international standards, while the Legal Aid and Advice Act had been amended to allow more people, including women victims of domestic violence, to qualify for legal aid. The law relating to sexual offences had been amended to increase penalties for such offences and to penalize all forms of sexual violation, including rape and sexual assault within marriage. Progress had also been made in the implementation of legislation, in particular legal reforms implementing the provisions of the United Nations Convention on the Rights of the Child, to protect and promote the rights of children. A national survey, completed in June 1997, indicated that some children and adolescents were involved in prostitution and pornography, but there was no evidence of the sale of children.

127. Women had limited economic power and predominated in the lowest paid and least protected employment sectors. Women continued to be underrepresented in positions of power and decision-making. Especially in the private sector, few women have been able to ascend to the very top occupational levels and, despite their educational qualifications, women continue to be underpaid in every sector of employment, except when employed by the State. A "Women's Leadership Enhancement Institute" within the Gender Affairs Division, and a "Women's Second Chance Programme" had been introduced to address that problem. In 1996, Trinidad and Tobago became the first country in the world to enact a Counting of Unremunerated Work Act to ensure that the unremunerated work of women is recorded and calculated. It had also enacted a Minimum Wage Act to provide all workers with a minimum level of pay by establishing a single economywide minimum wage.

128. Poverty was more widespread among single parent female-headed households and those headed by women who had received limited education. The Government was committed to improving the standard of living of poor women and their families by increasing their access to capital, resources, credit, land, technology, information, technical assistance and training. The Government, as part of its commitment to provide free secondary education for all students, had undertaken two pilot projects to train women in non-traditional areas, including masonry, plumbing, technical drawing and electrical installation.

129. In order to address gender stereotyping, a task force had been convened to review the educational curriculum for primary schools and another would be established to review the curriculum of secondary schools. A "dollar for dollar" programme, allowing every citizen to pursue the equivalent of an Associate or Bachelor's degree at half the cost of the programme, had been implemented to expand access to tertiary education.

130. The Government was committed to ensuring that women enjoyed the highest attainable standards of physical and mental health and well-being throughout their lives. The provision of accessible and affordable primary and secondary health care, including sexual and reproductive health care, were among the Government's priorities.

131. In concluding, the representative highlighted the efforts of the Women's Leadership and Enhancement Institute of the Division of Gender Affairs to increase the participation of women in politics, which had included the holding of a regional conference held in July 2001. Female Ministers in the Government now included the Attorney-General, the Minister of Community Development and Gender Affairs, the Minister of Social Development and the Minister of Education. Although those developments were promising, the representative indicated that the Government recognized that more work was needed to increase the participation of women in politics and in Parliament.

(b) Concluding comments of the Committee

Introduction

132. The Committee commends the State party on its report, which, although presented with some delay, complied with the Committee's guidelines.

133. The Committee commends the State party on the open and frank presentation of the delegation and the detailed responses to the oral questions posed by the Committee.

Positive aspects

134. The Committee particularly welcomes the creation of a Human Rights Unit within the Ministry of

the Attorney-General to strengthen Trinidad and Tobago's capacity to report to international human rights treaty bodies. It encourages the State party to continue its efforts to fulfil its international reporting obligations.

135. The Committee also welcomes the recognition given by the State party to the role played by a number of active non-governmental organizations and community-based women's organizations in the country, which assist the State party in its efforts to eliminate all forms of discrimination against women.

136. The Committee notes with appreciation the extensive law reform initiated in Trinidad and Tobago since independence and appreciates the efforts made to repeal or amend legal provisions which discriminate against women. The Committee welcomes, in particular, the Counting of Unremunerated Work Act of 1996. The Committee notes with satisfaction that, since the repeal in 2000 of sections 5 (1) and 5 (3) of the Sexual Offences Act No. 27 of 1986, marital rape is a criminal offence in Trinidad and Tobago.

137. The Committee commends the State party for its comprehensive programme to combat domestic violence through such initiatives as a 24-hour hotline, the establishment of a Domestic Violence Unit within the Gender Affairs Division, a male support programme and community-based drop-in information centres. The Committee commends the State party for steps to provide emergency legal aid, in particular in cases of domestic violence.

Factors and difficulties affecting the implementation of the Convention

138. The Committee notes that the entrenched stereotypical attitudes with regard to the role of women and men and the persistence of gender-based violence within the society constitute obstacles to the full implementation of the Convention.

Principal areas of concern and recommendations

139. The Committee is concerned that the Convention has not been incorporated into domestic legislation. The Committee regrets, in particular, that article 1 of the Convention which defines "discrimination against women" is not part of the legislation of the State party.

140. The Committee recommends that the State party give consideration to the incorporation of the Convention into domestic law. It points particularly to the importance of the incorporation of article 1 of the Convention. The Committee requests that the State party report on progress made in this regard in its next periodic report, including information on whether the Convention has been invoked before domestic courts.

141. The Committee notes with concern that, despite provisions in the Constitution, laws exist in the State party which may allow for discrimination against women.

142. The Committee recommends that an inventory be made of the laws that discriminate against women, with a view to their revision, amendment or repeal.

143. The Committee is concerned that the apparent lack of coordination among government bodies tasked with the oversight of gender issues and a failure to allocate responsibility for activities may compromise gender mainstreaming activities and that national women's machinery may be affected adversely by limited human and financial resources.

144. The Committee encourages gender mainstreaming in all government ministries, as well as the creation of an impact assessment of these efforts. It recommends that the State party clearly define the mandates of the various committees and councils concerned with gender issues and the level of interaction among them. The Committee encourages the State party to continue its process of restructuring the national machinery and to allocate the necessary human and financial resources to ensure effective implementation of governmental policies and programmes related to gender equality. It also encourages gender mainstreaming in all ministries.

145. The Committee expresses concern that, despite innovative legislation, policies and programmes, violence against women remains a serious reality that is being perpetuated by deeply rooted traditional patriarchal attitudes, apparently tolerated by society.

146. The Committee urges the State party to place a high priority on measures to address violence against women in the family and in society in accordance with the Committee's general recommendation 19 and the Declaration on the Elimination of Violence against Women. The Committee recommends that the State party introduce further measures to raise public awareness about violence against women and urges the State party to strengthen its activities and programmes to focus on sexual violence, incest and prostitution.

147. The Committee is concerned about the entrenched stereotypical attitudes and behaviour with regard to the roles of women and men in the family and in society which tend to reinforce women's inferior status in many sectors of public life.

148. The Committee recommends that the State party take urgent measures to overcome traditional stereotypes regarding the role of women and men in society. The Committee emphasizes that a policy of gender equality in compliance with the Convention will require the reconceptualization of the role of women in society from that of mother and wife, exclusively responsible for children and the family, to that of individual person and actor in society.

149. The Committee is concerned about women's underrepresentation in politics and economic leadership. It is concerned that factors impeding women's participation in these areas include stereotypical attitudes, women's disproportionate share of household and family responsibilities, as well as structural and cultural barriers, such as the lack of maternity leave for women parliamentarians, which reinforce the idea that politics is a male sphere.

150. The Committee recommends the introduction of strategies to increase the number of women in decision-making bodies at all levels and in all areas. To this end, the Committee recommends that the State party utilize temporary special measures in accordance with article 4, paragraph 1, of the Convention to increase the number of women in decision-making levels in government, governmental bodies, public administration and State-owned enterprises. It also recommends that the State party strengthen its efforts to organize special training programmes for women and to conduct on a regular basis, awareness-raising campaigns in this regard.

151. The Committee is concerned that, despite high educational qualifications, women continue to be underpaid in every sector of employment, except the State employment sector. It is also concerned about the consequences of gender stereotyping in curricula and the impact of the fact that girls take traditional "female" courses and boys traditional "male" courses on women's employment options and income. The Committee is also concerned about the lack of specific legislation prohibiting sexual harassment in the workplace and providing a remedy for victims of sexual harassment.

152. The Committee encourages the State party to analyse the lack of correlation between the high level of education attained by women and their income levels; it urges the State party to implement curriculum reform and the revision of textbooks in order to combat traditional attitudes towards women and to help to create an enabling environment for women's presence in high-level and well-paid positions. It also recommends that the State party avail itself of existing research and practice with regard to equal pay for work of equal and comparable value in order to overcome inequality in pay. The Committee further recommends that sexual harassment in the workplace, including in the private sector, should be penalized, and remedies provided for those affected.

153. The Committee is concerned that, although domestic workers are entitled to a minimum wage under the new Minimum Wage Order, they are not included within the definition of "worker" in the Industrial Relations Act.

154. The Committee calls upon the State party to bring domestic workers within the definition of "worker" in the Industrial Relations Act.

155. The Committee is concerned at the high incidence of poverty among various groups of women, in particular female heads of households. The Committee recognizes that women-headed households have been negatively affected by structural adjustment programmes and the changing global situation.

156. The Committee requests the State party to provide additional information on the programmes and projects that have been implemented to combat the negative impact of structural adjustment programmes on women, and in particular households headed by women, and to ensure that governmental policies to eradicate poverty are continuous, incorporate a gender perspective and do not marginalize women.

157. The Committee is concerned that child marriages are sanctioned under several of the legal regimes regulating marriage. The Committee notes that such marriages are prohibited by article 16, paragraph 2, of the Convention, and that such marriages have serious consequences for girls, including with regard to health. The Committee is concerned about the high rate of teenage pregnancy and its consequences for girls' enjoyment of the rights guaranteed by the Convention, in particular in the sphere of education.

158. The Committee urges the State party to ensure that all its minimum age of marriage laws and other programmes to prevent early marriage are in line with the obligations of the Convention. The Committee also recommends that Trinidad and Tobago introduce appropriate policies and programmes for sex education and family planning education.

159. The Committee is concerned that family planning programmes appear to be aimed only at women and there is limited emphasis on male responsibility in this regard.

160. The Committee recommends the introduction of programmes to encourage men to take part in family planning responsibilities.

161. The Committee is concerned at the absence of details on any public policy for rural women, including in respect to employment and health. It is particularly concerned about the situation of older women in rural areas.

162. The Committee urges the State party to include in its next report more information and data on the situation of rural women, and of older rural women in particular, and on any policy aimed at their economic empowerment as well as their access to employment and health-care services.

163. The Committee requests the State party to respond in its next periodic report to the specific issues raised in the present concluding comments. It also requests the State party to provide in its next report an assessment of the impact of measures taken to implement the Convention.

164. The Committee urges the State party to accept the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

165. The Committee also urges the State party to sign and ratify the Optional Protocol to the Convention.

166. The Committee requests the wide dissemination in Trinidad and Tobago of the present concluding comments in order to make the people of Trinidad and Tobago, in particular governmental administrators and politicians, aware of the steps that have been taken with regard to de jure and de facto equality for women and of the future steps that are required in that regard. It requests the State party to continue to disseminate widely, and in particular to women's and human rights organizations, the Convention and its Optional Protocol, the general recommendations of the Committee, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

3. Combined second and third periodic report

Uruguay

167. The Committee considered the combined second and third periodic report of Uruguay (CEDAW/C/URY/2-3) at its 541st and 542nd meetings, on 24 January 2002 (see CEDAW/C/SR.541 and 542).

(a) Introduction by the State party

168. In introducing the periodic report, the representative of Uruguay noted that while her country's authorities had intended to send a representative with direct expertise in the gender area, that had regrettably not been possible, owing to budget cuts made as a result of the economic and financial problems that the country had recently experienced.

169. The representative went on to explain that, during the period between her country's submission of its initial report in 1985 and the present, there had been a steady evolution, and progress of various kinds had been made in the effective implementation of women's rights.

170. At the governmental level, progress had been made in several areas, including the establishment of the National Institute for Family and Women's Affairs, the Commission on Women's Rights in support of the Institute's activities, the Tripartite Commission on Equal Opportunities and Treatment in Employment and the Interministerial Commission responsible for designing and implementing policies to reduce domestic violence, as well as the enactment of supplementary norms relating to women workers in the public and private sectors who are pregnant or breastfeeding and the prohibition against their dismissal and, lastly, the implementation of various actions to improve health education, programmes to control teenage pregnancy, programmes on sexually transmitted diseases and acquired immunodeficiency syndrome (AIDS), and cancer prevention programmes.

171. The representative also stated that in recent years there had been various parliamentary initiatives to promote women's rights, such as the establishment of the Commission on Women's Human Rights and the Commission on Gender and Equity.

172. The representative mentioned, in particular, the initiatives carried out by the Municipal Administration of Montevideo, which had, inter alia, established a Commission on Women to deal specifically with all questions relating to women; that had been the starting-point for similar actions in other municipal administrations throughout the country.

173. The representative also noted that while there had been issues on which final answers had not yet been reached, very intense debates had been opened up that would undoubtedly culminate in specific advances; among those issues were the establishment of the post of Ombudsman or Public Defender, and abortion, on which there were a number of initiatives that legislators were considering.

174. The representative pointed to a number of advances in the international arena, including the ratification of legal instruments, such as the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, in 1996, and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, in 2001.

175. The representative said it was regrettable that the progress cited had been insufficient, as various obstacles, particularly scarce resources, had slowed the implementation of the actions envisaged. For that reason, action by international organizations, such as international and national non-governmental organizations (NGOs), was of major importance, particularly on all issues relating to women; many of the advances made would not have been secured without their effective efforts. The representative also mentioned the actions carried out in the domestic violence area, with regard to both the national telephone service and shelters for victims, and the NGO studies, research and analyses which had yielded concrete data essential to diagnosing certain situations (ethnic minorities), thereby making it easier to resolve them and facilitating the Government's task.

176. Lastly, the representative stated that, while much remained to be done, there were ever greater efforts to make equal rights for women a reality, not only in the legislative area but also in practice.

(b) Concluding comments of the Committee

Introduction

177. The Committee expresses its appreciation to the Government of Uruguay on its second and third periodic report, while regretting the fact that the report was submitted with some delay and does not comply with the Committee's guidelines.

178. The Committee, while thanking the Deputy Permanent Representative for her oral presentation, regrets the descriptive and general nature of both the report and the discussion, as a result of which the Committee has not been afforded a complete picture of the legal and social status of women in Uruguay, or of the progress made in the implementation of the Convention since the country prepared its initial report, considered in 1985.

Positive aspects

179. The Committee commends the State party on its prompt ratification of the Optional Protocol to the Convention.

180. The Committee takes note of the fact that the Constitution guarantees the protection of the rights of women and men, as individuals and as groups, and that reference is made in particular to the right of *amparo*.

181. The Committee notes with satisfaction that a significant number of Uruguayan women are highly educated and have a high rate of participation in the labour market.

182. The Committee notes the importance of the National Programme for Women to promote actions to improve the status of women. The Committee acknowledges the efforts of the State party to implement the Convention by initiating various programmes.

183. The Committee notes with satisfaction that the Citizen Security Act defines domestic violence as a distinct offence.

184. The Committee commends the State party on its initiative to encourage the participation of women's non-governmental organizations in programmes for the implementation of the Convention.

Factors and difficulties affecting the implementation of the Convention

185. The Committee notes that deep-rooted, stereotypical attitudes concerning the roles of men and women constitute an obstacle to the full implementation of the Convention.

Principal areas of concern and recommendations

186. The Committee is concerned that, despite the existence of Act 16,045 of June 1989, which prohibits discrimination on grounds of sex, the Convention has not been incorporated into domestic legislation. In particular, it regrets that article 1 of the Convention, which defines "discrimination against women" is not part of Uruguayan legislation.

187. The Committee recommends that the State party give further consideration to the incorporation of the Convention into domestic legislation. It points particularly to the importance of the incorporation of article 1 of the Convention and requests that the State party report on progress made in this regard in its next periodic report, including information on whether the Convention has been invoked before domestic courts.

188. The Committee expresses concern that Uruguayan women make little use of existing judicial remedies for the protection and enjoyment of their rights, including the remedy of *amparo*.

189. The Committee requests the State party to include more information in its next periodic report on mechanisms and procedures available to women for the protection and promotion of their rights.

190. The Committee expresses its concern that the National Institute for Family and Women's Affairs, as a national mechanism for the advancement of women, has no real power to initiate and implement regulatory measures designed to eliminate discrimination against women. The Committee is concerned that the national mechanism may have inadequate financial and human resources.

191. The Committee recommends that the State party clearly define the mandates of the various institutions and commissions and the level of interaction between them. The Committee encourages the State party to allocate the national machinery to the human and financial resources required to ensure the effective implementation of governmental policies and programmes for gender equality. It also encourages the State party to mainstream a gender perspective within all the ministries, and to establish mechanisms for assessing its impact.

192. The Committee expresses concern at the continuing existence of stereotypes relating to the role of women in the family and society, and at deep-rooted attitudes and conduct based on the assumed superiority of men in the public and private spheres. It is a matter of concern to the Committee that the State party attaches little importance to this problem and thus encourages the persistence of such stereotypes, which are an obstacle to the implementation of the Convention.

193. The Committee urges the State party to adopt measures to eliminate social stereotypes in Uruguay. It urges the State party to concentrate on increasing women's participation in all areas, particularly decision-making, and on prevailing on men to share family responsibilities. It urges the State party to strengthen its awareness-raising programmes, and to take action to change stereotyped attitudes and perceptions as to men's and women's roles and responsibilities.

194. The Committee expresses concern that, despite the efforts made, a comprehensive approach is not being taken towards the prevention and elimination of violence against women, particularly as regards domestic violence, crimes of honour and the punishment of offenders. The Committee notes that despite the legislative action taken under the Citizen Security Act, violence against women, particularly domestic violence, remains a serious problem in Uruguay.

195. Recalling its general recommendation 19 on violence against women the Committee urges the State party to assess the impact of the current legal, policy and programmatic measures to deal with the various forms of violence against women, as well as to adopt a specific domestic violence act, incorporating measures for prevention, punishment of offenders and protection of victims. Bearing in mind that account must be taken of the underlying causes of violence against women, and domestic violence should be investigated with a view to enhancing the effectiveness of legislation, policies and programmes to combat it, the Committee also recommends that the State party continue the training and awareness-raising programmes for judicial personnel, law enforcement officials and members of

the legal and health professions, as well as awareness-raising measures to ensure that society will not tolerate any form of violence against women. The Committee encourages the State party to strengthen its collaboration with civil society and non-governmental organizations with respect to violence against women. It also recommends the allocation of funding commensurate with the high priority that efforts to combating such violence should have.

196. The Committee expresses concern that the Penal Code still contains several provisions that discriminate against women. The Committee is concerned at article 116 which provides for mitigation of sentence where a rapist marries his victim. It is also concerned at article 328, which provides that "protecting the honour of the perpetrator, the spouse and a close relative" may be a factor mitigating sentence in cases of induced abortion.

197. The Committee calls on the State party to give priority to the repeal of these articles of the Penal Code so as to bring the Code into line with the Convention on the Elimination of All Forms of Discrimination against Women and its general recommendations, in particular 19 on violence against women, and 24 on article 12 — women and health.

198. The Committee notes that although Uruguayan women are highly educated and have a high rate of labour-market participation, this is not reflected in their employment status and conditions, particularly with respect to private-sector pay. Furthermore, the Committee is concerned at the high proportion of women in the service sector, especially personal services, an area in which pay is traditionally low.

199. The Committee recommends that both in the public and in the private sector the State party endeavour to ensure strict compliance with labour legislation, and take action to eliminate discrimination in employment and with respect to pensions and private-sector pay, as well as promoting participation by women in sectors traditionally regarded as male.

200. The Committee is concerned at the low participation of women in politics and government administration, particularly as regards decision-making.

201. The Committee urges the State party to take appropriate action and implement broad strategies, including temporary special measures under article 4, paragraph 1, of the Convention, with a view to promoting greater participation by women in public life, particularly decision-making and promoting changes in attitudes and perceptions, held by both women and men, as regards their respective roles in the household, the family, at work and in society as a whole. In particular, the Committee recommends that the State party take account of general recommendations 21 concerning equality in marriage and family relations, and 23 concerning women in public life, that it should strengthen and step up action to promote awareness of the importance of the role, activities and many contributions of women in the community and in the family, and that it should in general promote equality of men and women with respect to rights and opportunities.

202. The Committee notes with concern the high pregnancy rates among adolescents, and that young adolescents make up a high proportion of this group. It also notes the high rate of deaths related to abortion among adolescents.

203. The Committee recommends that the State party examine the situation of adolescents as a matter of priority, and urges it to take action to ensure that effective reproductive and sexual health services are provided and that due attention is paid to the information requirements of adolescents, including through programmes and policies to provide information on the different kinds of contraceptives available and how they are to be obtained, on the basis of the principle that family planning is the responsibility of both the man and the woman. The Committee requests the State party to include information on the impact of programmes to reduce and prevent pregnancy among adolescents in its next periodic report.

204. The Committee expresses concern that the Civil Code still contains provisions, including those with respect to early marriage, that discriminate against women.

205. The Committee urges the State party to actively promote the elimination of discriminatory legal provisions that still exist, particularly in the Civil Code in matters relating to the family, and to bring Uruguayan legislation into line with the Convention, including article 16.2 relating to minimum age for marriage.

206. The Committee is concerned that there is limited awareness, including among legal and law enforcement

personnel, of the provisions of the Convention and the procedures available under its Optional Protocol.

207. The Committee recommends that educational programmes on the Convention, the Optional Protocol and women's rights be introduced, in particular for the judiciary, law enforcement officials and lawyers. The Committee also recommends that steps be taken to increase the number of women occupying high positions in the judiciary and law enforcement agencies.

208. The Committee is concerned that the report does not contain information on the situation of minorities in the State party, and in particular, that of black women.

209. The Committee requests the State party to include information on the situation of minority women in its next periodic report.

210. The Committee is concerned that the report did not contain information on the implementation of the Beijing Platform for Action in the State party.

211. The Committee recommends that, where appropriate, the State party implement the commitments of the Platform for Action. In particular, it recommends the immediate adoption of an equal opportunity plan which can place the National Programme for Women on a solid legal basis. It also encourages the State party to mainstream a gender perspective within all ministries and to establish procedures for assessing the impact of such mainstreaming.

212. The Committee asks the State party to respond in its next periodic report to the concerns set out in the present concluding comments, under article 18 of the Convention. It also urges the State party to draft future reports in accordance with its guidelines, providing not only a description of the legal framework, but sufficient information supported by statistical data to clarify not only the legal situation of women but also the situation in practice, including obstacles encountered.

213. The Committee urges the State party to accept as soon as possible the amendment to article 20, paragraph 1, of the Convention, concerning the length of the Committee's sessions.

214. The Committee requests the State party to disseminate these concluding comments widely in Uruguay and to promote public discussion of them, so as to bring to the attention of politicians, government administrators, non-governmental women's organizations and the general public the action that must be taken to achieve de jure and de facto equality of men and women. It also requests the State party to continue to ensure wide dissemination, particularly among human rights and women's organizations, of the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action, and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

4. Combined third and fourth periodic reports

Iceland

215. The Committee considered the combined third and fourth periodic report of Iceland (CEDAW/C/ICE/3-4) at its 532nd and 533rd meetings, on 17 January 2002 (see CEDAW/C/SR.532 and 533).

(a) Introduction by the State party

216. In her introduction, the representative of Iceland updated the information contained in the report which covered implementation up to December 1997, indicating that the new information would be contained in Iceland's fifth periodic report. She also informed the Committee that the Government had ratified the Optional Protocol to the Convention in March 2001 and was preparing its acceptance of the amendment to article 20.1 of the Convention, relating to the Committee's meeting time.

217. The representative indicated that, in May 2000, a new act on the equal status and equal rights of women and men (the Gender Equality Act), which replaced the former Gender Equality Act of 1991, had been passed. The Act had created a new special institution, the Centre for Gender Equality, administrated by the Ministry of Social Affairs and entrusted with monitoring of the Act's implementation. The Act provided that institutions and enterprises with more than 25 employees should have a gender equality policy or create special provisions regarding gender equality in their employment policies. The Act prohibited both direct and indirect discrimination and entitled individuals and non-governmental organizations to seek redress from the Complaints

Committee on Equal Status. Although the decisions of the Complaints Committee were not binding, the Centre for Gender Equality or the individual concerned could initiate legal proceedings based on the Committee's opinions.

218. Each Ministry was required to appoint an equality coordinator who was tasked with the mainstreaming of gender equality within the work of the Ministry and its dependent institutions. Since 1991, Iceland had introduced three four-year action programmes on measures to realize gender equality, the latest in 1998. The Centre for Gender Equality had begun preparations for a new Action Plan, for the years 2002-2006, which places greater emphasis on gender mainstreaming and the methods to achieve it. In this respect, the representative stressed the need to increase the involvement of men in equality initiatives.

219. In 2000, a Maternity/Paternity Leave and Parental Leave Act, which would enter fully into force on 1 January 2003, had been passed. The Act constituted a fundamental reform in that it promoted sharing of parental responsibilities and gender equality on the labour market. The representative indicated that implementation of the Act was expected to create greater equality between women and men generally, and in particular reduce the pay gap between women and men, and address women's low representation in comparison with men's at the top levels of business management, situations that had resulted in part from the heavy responsibilities that women bore in connection with family and children.

220. The representative noted that trafficking in women and prostitution, potentially associated with the strip clubs that started to open in 1990, were becoming growing concerns for the Icelandic authorities. In cooperation with labour unions, local and national authorities were scrutinizing the activities of strip clubs in order to find ways to curtail the activities of those businesses. The relevant authorities were also preparing measures to address the issue of prostitution.

221. In September 1998, the Minister of Social Affairs had appointed a Committee for a five-year period, to seek to increase women's participation in politics, inter alia, through education and information campaigns. The initial task of the Committee was to increase the number of women participating in the 1999 parliamentary elections.. Thirty-five per cent of members elected to Parliament in 1999 had been women, in comparison with 25 per cent in 1995. The Committee was currently seeking to increase the number of women in local government, which at present stood at 28.5 per cent. Similarly, in the period 1998-1999, the Ministry for Foreign Affairs had recruited women to 50 per cent of all new positions requiring a university degree.

222. At the University of Iceland, women constituted 60.9 per cent of all new students and women represented over 50 per cent of students in disciplines except engineering, economics and computer science. In April 2000, a two-year agreement had been signed in order to strengthen the position of women in the labour market, increase female leadership in economic life and encourage women to choose male-dominated fields of study in higher education.

223. The representative highlighted the fact that in 2000, women's participation in the labour market had been 79 per cent for age group 16-74 in comparison with 88 per cent for men. In age group 55-74 women's labour-force participation had decreased. Unemployment among women was 1.9 per cent in 2001, and 1 per cent for men. There was a wage differential of 10-16 per cent between women and men, and this differential was the subject of active debate.

224. The representative pointed out that, in 1998, the Office of Gender Equality and the Administration on Occupational Safety and Health had published a study on sexual harassment which confirmed that this was a problem in the workplace. In response, the Gender Equality Act had defined and prohibited sexual harassment.

225. The representative indicated that measures to address violence against women, including sexual violence, as well as violence against children, particularly girls, had been introduced. They included in camera trials for such offences, special procedures to protect victims and witnesses required to provide evidence, as well as restraining orders. Penalties for rape had been increased, and the State Prosecutor usually called for significant penalties in cases of sexual violence.

226. In concluding, the representative noted that, although great progress had been made in implementation of the Convention, much more needed to be done. Efforts towards further implementation included examination of whether and how gender equality was being taken into account in national and

local planning and policy-making. A working group, which was currently focusing on bills prepared by the Ministries of Finance, Industry, Commerce and Social Affairs, had also been established to ensure that gender was taken into account in the preparation of legislation.

(b) Concluding comments of the Committee

Introduction

227. The Committee expresses its appreciation to the State party on its combined third and fourth periodic report, which complies with the Committee's guidelines for the preparation of periodic reports. The Committee also appreciates the additional information given in response to the issues raised by the pre-session working group and during the oral presentation.

228. The Committee commends the State party for the constructive and frank dialogue with the members of the Committee.

Positive aspects

229. The Committee commends the State party for the progress towards gender equality and for its efforts to incorporate gender mainstreaming in its policy framework and at all stages of policy-making processes.

230. The Committee commends the passage of the Gender Equality Act (2000) and the large number of studies, pilot projects and research initiatives conducted in order to advance the equality between women and men.

231. The Committee commends the State party for its recognition of the common responsibility of women and men in the promotion of equality and for having taken a number of measures to involve the participation of men in strategies to increase equality between women and men, inter alia, in the area of paternal leave.

232. The Committee commends the fact that the State party has ratified the Optional Protocol to the Convention and takes note that it is preparing for acceptance of the amendment to article 20.1 on the Committee's meeting time.

233. The Committee also welcomes the fact that a number of recommendations in its concluding comments adopted when Iceland last reported have been implemented.

Factors and difficulties affecting the implementation of the Convention

234. The Committee notes that there are no significant factors or difficulties that prevent the effective implementation of the Convention in Iceland.

Principal areas of concern and recommendations

235. The Committee notes with concern that the Convention has not been incorporated into domestic legislation. In particular it regrets that article 1 of the Convention, which defines "discrimination against women", is not part of Icelandic legislation.

236. The Committee recommends that the State party give further consideration to the incorporation of the Convention into domestic legislation. The Committee points particularly to the importance of the incorporation of article 1 of the Convention. The Committee requests that the State party report on progress made in this regard in its next periodic report, including information on whether the Convention has been invoked before domestic courts.

237. The Committee is concerned that the decisions of the Complaints Committee on Equal Status are not binding, inter alia, in cases where government agencies violate the law.

238. The Committee recommends that the State party consider strengthening the enforcement mechanisms of the Complaints Committee, and, in particular, provide that its decisions have binding force.

239. The Committee notes with concern the apparent contradiction between the high level of education of women and the lack of women's equality in the labour market, particularly the persistent wage gap of 10-16 per cent in the public sector to the detriment of women.

240. The Committee encourages the State party to continue its efforts to address the wage gap for women in the public sector, initiate job evaluations and reduce the gap. The Committee also requests that the State party provide more information on the situation of women in the private sector with regard to the wage gap in its next report to the Committee.

241. The Committee is also concerned that the long-standing high rate of part-time employment of women suggests that, despite the State party's efforts to facilitate the reconciliation of family life and work,

women still bear a larger share of family responsibilities.

242. The Committee encourages the State party to continue its efforts to take measures to assist women and men in striking a balance between family and employment responsibilities, inter alia, through further awareness-raising and education initiatives for both women and men, including with respect to sharing tasks within the family and ensuring that part-time employment is not taken up exclusively by women.

243. The Committee notes that, although progress was made with regard to women's political representation, women are still underrepresented in elected office, senior positions and the diplomatic service. The Committee is also concerned that despite their high educational achievement, very few women are university professors.

244. The Committee encourages the State party to take further temporary special measures in accordance with article 4.1 of the Convention to increase the representation of women in decision-making positions in all sectors, inter alia, on all public committees. It also recommends that the State party take measures to increase the number of women in senior positions at universities.

245. While noting that the State party has taken a positive legal and welfare approach towards preventing violence against women, including domestic violence, the Committee expresses concern at the light penalties for crimes of sexual violence, including rape.

246. The Committee urges the State party to continue its efforts to implement and strengthen current laws, policies and programmes aimed at combating violence against women, and to increase its awareness-raising activities and work with male perpetrators. It also urges the State party to reconsider the current penal provisions which impose light sentences on perpetrators of sexual violence, including rape. It also encourages the State party to consider the issue of violence against women under the provisions of the Convention and the Committee's general recommendation 19 on violence against women. The Committee requests the State party to provide more information in the next report on efforts to combat violence against women, including measures taken to provide training of the police and the judiciary.

247. The Committee notes with concern that Iceland may have become a country of destination for trafficking in women.

248. The Committee encourages the State party to continue taking action to combat trafficking in women and, with this aim, to increase international cooperation in this regard.

249. The Committee expresses concern about the change of the pension system, which has negatively impacted on women more than men.

250. The Committee recommends that the State party study the impact of the pension system on women and take appropriate measures to avoid poverty among older women.

251. The Committee expresses concern at the high level of alcohol consumption among women, and the level of alcohol and drug consumption among young people, including girls.

252. The Committee urges the State party to take measures to address alcohol and drug abuse, especially among women and girls.

253. The Committee encourages the State party to continue its preparations for acceptance of the amendment to article 20, paragraph 1, of the Convention.

254. The Committee requests the State party to respond in its next report to the outstanding issues raised in constructive dialogue, as well as to the specific issues raised in the present concluding comments. It further requests the State party to provide in its next report an assessment of the impact of measures taken to implement the Convention, in particular with regard to gender mainstreaming.

255. The Committee requests the wide dissemination in Iceland of the current concluding comments in order to make the people in Iceland, in particular government administrators and politicians, aware of the steps that have been taken to ensure the de jure and de facto equality of women as well as of further steps that are required in this regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, and the results of the twenty-third special session of the General Assembly, entitled

"Women 2000: gender equality, development and peace for the twenty-first century".

Sri Lanka

256. The Committee considered the third and fourth periodic reports of Sri Lanka (CEDAW/C/LKA/3-4) at its 545th and 546th meetings on 28 January 2002 (see CEDAW/C/SR.545 and 546).

(a) Introduction by the State party

257. In her introduction, the representative of Sri Lanka informed the Committee that Sri Lanka was sincerely committed to honouring its obligations under the Convention and that efforts to improve the status of women had been made not only in accordance with the country's obligations as a State party to the Convention, but also pursuant to the principle of equality enshrined in the country's Constitution.

258. Sri Lanka was a developing country, currently experiencing severe economic constraints resulting primarily from a long period of civil unrest which, besides draining the country's human and capital resources, also militated against its human development efforts. The representative indicated that approximately one third of the total population of Sri Lanka lived below the poverty line, with government welfare support, and that, despite this, Sri Lanka had sustained positive social indicators, particularly with regard to education and health. According to the 2001 *Human Development Report*, the human development index for Sri Lanka had risen to 81, while the country's gender development index was 70.

259. The representative informed the Committee that targeted State interventions had impacted favourably on women. The literacy rate of women had improved, thereby narrowing the literacy gap between women and men, as had women's educational achievements. Progress was also seen in relation to the increase in women's participation in the labour force. Women had penetrated into a variety of new fields hitherto dominated by men. Women's contributions to the country's foreign exchange earnings through employment overseas — in the export processing zones and the plantation sector — had received recognition, and rural women had been mobilized into economic activity through special savings, credit and skills development programmes.

260. With regard to health issues, the representative informed the Committee that the improvement of delivery systems had resulted in the reduction of maternal and infant mortality rates. She also indicated that the life expectancy of women had surpassed that of men and that women's visibility in the field of sports had increased.

261. The representative indicated that Sri Lankans' willingness to recognize gender equality at the highest level had been demonstrated in 1994, when a woman was elected executive President of the country. Sri Lanka continued to focus on: improving the law and order situation to address violence against women; eliminating gender stereotyping; introducing special care programmes for ageing women; introducing programmes for the improvement of the nutritional status of mothers; implementing educational programmes to prevent the spread of HIV/AIDS among women; encouraging women to take up non-traditional vocations; and empowering women migrant workers and those employed in the export promotion zones. In addition, Sri Lanka continued to focus on providing humanitarian assistance to the families affected by the conflict, creating an enabling environment to motivate women to assume political leadership, engendering legislation and stepping up efforts in gender mainstreaming.

262. The Government had taken several measures to establish administrative mechanisms with proactive mandates in order to prevent abuse and harassment of persons affected by armed conflict, particularly women and children. The representative indicated that the Government was adopting a multi-pronged approach when protecting those internally displaced as a result of the conflict. Plans had been formulated and programmes implemented with respect to humanitarian assistance and compensation, for building temporary shelters and for dealing with resettlement and relocation. The representative informed the Committee that infrastructure facilities for displaced children had been provided and that a scholarship scheme had been introduced. Efforts were now being made by the Government to improve the health conditions of the internally displaced.

263. The representative informed the Committee that upholding human rights during the civil strife was a challenge, but that the Sri Lankan Government had introduced measures to that end. Violence against women and human rights violations committed by

security personnel or police were not condoned. Sri Lanka submitted regular reports to the human rights machinery of the United Nations and was preparing to sign the Optional Protocol to the Convention.

264. The representative also stated that, over the preceding four years, the country's national machinery had been vested with various powers and functions. The new Government, established in December 2001, had directed that every programme contain a gender component and that the gender impact of every programme be assessed. That commitment was expected to provide the leverage for new initiatives for gender mainstreaming throughout the government machinery, facilitating the implementation of the components of the National Plan of Action for Women. The 2002 National Plan of Action for Women highlighted all priority areas of intervention, including the need to address the inadequate participation of women in power-sharing and decision-making processes. The representative stated that the political climate of the recent past was perceived as having created an environment that was detrimental to women's political participation and that, with a change in the political culture, it was hoped that women would be empowered to become partners in implementing values of good governance. The representative also stated that the Government expected the national legislation giving statutory recognition to the National Commission on Women to be enacted shortly.

265. The representative informed the Committee that the Law Commission of Sri Lanka had been requested to address inequities in national legislation. Reforms to personal laws in the multi-ethnic, multi-religious and multicultural society had to be attempted with due regard and sensitivity to deeply rooted pluralistic and ethnic beliefs.

266. In concluding her presentation, the representative noted that, in order to implement the Convention fully, the Government was working in cooperation with non-governmental organizations and with the support of the donor community. However, in its efforts to honour its obligations under the Convention, the Government was faced with difficulties stemming from both the internal conflict and the external pressures arising from global uncertainties. Sri Lanka hoped the current initiatives towards securing a resolution to its internal conflict would be successful in order that the ensuing peace would bring benefits to Sri Lankan women.

(b) Concluding comments of the Committee

Introduction

267. The Committee expresses its appreciation to the State party for submitting its third and fourth periodic reports, which are in accordance with the Committee's guidelines for the preparation of periodic reports. It commends the State party for the written replies to the issues raised by the pre-session working group and for its oral presentation, which provided additional information on the current situation of the implementation of the Convention in Sri Lanka.

268. The Committee commends the State party for its delegation, headed by the Secretary of the Ministry of Women's Affairs, and including officials from various branches of Government, which enabled a frank and constructive dialogue with the members of the Committee. The Committee notes that governmental action, in particular the National Plan of Action for Women, is placed within the context of the implementation of the Beijing Platform for Action.

Positive aspects

269. The Committee commends the efforts to implement the Convention despite the difficult socio-political situation. It welcomes efforts to strengthen the national machinery on women, the introduction of gender mainstreaming and the adoption of a range of policies and programmes to eliminate discrimination against women, including the Women's Charter, the establishment of the Ministry of Women's Affairs, the National Committee on Women and the formulation of a National Plan of Action for Women.

270. The Committee commends the introduction of legal reforms that have been adopted since 1995, in particular the amendments to the Penal Code, which introduced new offences and more severe punishments with regard to violence against women, as well as the revision of the marriage laws, which increased the age of marriage, except in the case of Muslims, to 18 for both women and men.

271. The Committee commends the educational achievements and improved literacy rate of women, as well as the curriculum reforms and teacher training programmes to eliminate gender role stereotypes. The Committee also commends the easy access to family planning for women and men and the well-developed

maternal and child health care system, which has contributed to a decline in maternal mortality.

272. The Committee welcomes the very active and lively participation of women's organizations in monitoring and implementing the Convention.

Factors and difficulties affecting the implementation of the Convention

273. The Committee recognizes that armed conflict in the north and east of the country and economic globalization place constraints on the situation of women and pose a serious challenge to the full implementation of the Convention.

Principal areas of concern and recommendations

274. The Committee expresses concern at the contradiction between the constitutional guarantees of fundamental rights and the existence of laws that discriminate against women. It is also concerned that constitutional provisions on fundamental rights do not create accountability for the actions of non-State actors and the private sector, and the fact that there is no opportunity for judicial review of legislation pre-dating the Constitution. The Committee is also concerned at the existence of discriminatory legislation, such as the Land Development Ordinance, and the provisions allowing for Muslim personal law, which, inter alia, does not provide a minimum age of marriage, as well as the nationality law which precludes Sri Lankan women from passing nationality to their children on an equal footing with men.

275. The Committee urges the State party to review all existing laws and amend discriminatory provisions so that they are compatible with the Convention and the Constitution. It urges the State party to ensure that constitutional rights are applicable to the activities of non-State actors and the private sector. The Committee further recommends that, in its efforts to eliminate discriminatory legislation, the State party take into account, where appropriate, suggestions and recommendations from bodies such as the Muslim personal law reforms committee set up by the Ministry of Muslim Religious and Cultural Affairs. The Committee also encourages the State party to obtain information on comparative jurisprudence, including that which interprets Islamic law in line with the Convention.

276. While welcoming the efforts of the State party to strengthen the national machinery for women and to introduce gender mainstreaming, the Committee notes with concern that the legal framework, institutional structures and human and financial resources remain insufficient to implement the Convention.

277. The Committee encourages the State party to expedite the establishment of the National Commission on Women, strengthen the gender focal points in government ministries, ensure sufficient human and financial resources for the implementation of the National Plan of Action, and strengthen the implementation of the Women's Charter, including through giving legal force to its provisions where appropriate to give effect to the principles of the Convention.

278. Despite the fact that women have occupied the position of head of Government of Sri Lanka, the Committee is concerned that, on the whole there is a very low level of representation of women in politics and public life.

279. The Committee urges the State party to take all necessary measures to increase the representation of women in politics and public life at the local, provincial and national levels, including through the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention.

280. Despite the progress in education for women and girls, the Committee is concerned about the underrepresentation of women in engineering and technology-related courses in tertiary education.

281. The Committee urges the State party to take all necessary measures to increase the representation of women in engineering and technology-related courses in tertiary education.

282. The Committee is concerned that women who become pregnant as a result of rape or incest have to endure significant physical and mental torture.

283. The Committee encourages the State party to reintroduce legislation to permit termination of pregnancy in cases of rape, incest and congenital abnormality of the foetus.

284. The Committee expresses its concern about the high incidence of violence against women, including domestic violence. The Committee is concerned that no

specific legislation has been enacted to combat domestic violence and that there is a lack of systematic data collection on violence against women, in particular domestic violence. The Committee, while appreciating the many amendments to the Penal Code, notes with concern that marital rape is recognized only in the case of judicial separation. The Committee is also concerned that the police fail to respond to complaints of violence against women with gender sensitivity and effectively.

285. The Committee urges the State party to ensure the full implementation of all legal and other measures relating to violence against women, to monitor the impact of those measures and to provide women victims of violence with accessible and effective means of redress and protection. In the light of its general recommendation 19, the Committee requests the State party to enact legislation on domestic violence as soon as possible. The Committee recommends that the State party devise a structure for systematic data collection on violence against women, including domestic violence, disaggregated by sex and ethnic group. The Committee urges the State party to consider recognizing marital rape in all circumstances as a crime. The Committee recommends that the State party provide comprehensive training to the judiciary, police, medical personnel and other relevant groups on all forms of violence against women.

286. The Committee is alarmed by the high and severe incidences of rape and other forms of violence targeted against Tamil women by the police and security forces in the conflict areas. While recognizing the prohibition of torture in the Constitution and the establishment of the inter-ministerial working group to counter these acts of violence, the Committee is concerned that victims in remote areas might be unaware of their rights and of the manner in which to seek redress.

287. The Committee urges the State party to monitor strictly the behaviour of the police and the security forces, to ensure that all perpetrators are brought to justice and to take all necessary measures to prevent acts of violence against all women.

288. The Committee, while noting with appreciation the efforts of the State party to eliminate gender role stereotyping in formal education, expresses concern at the perpetuation of traditional stereotyped gender roles among the general public and in the media.

289. The Committee calls upon the State party to strengthen measures to eliminate stereotypical attitudes about the roles and responsibilities of women and men, including awareness-raising and educational campaigns directed at both women and men of the general public and at the media. It also calls upon the State party to undertake an assessment of the impact of its measures in order to identify shortcomings and to adjust and improve these measures accordingly.

290. The Committee is concerned about the low level of women's economic participation, the high unemployment rate of women, the inadequate protection for women working in the informal sector, such as domestic service and the weak enforcement of laws to protect women workers in the export processing zones. The Committee is also concerned that no data is available on the wage gap between women and men.

291. The Committee urges the State party to take all the necessary measures to increase the economic participation of women and ensure that women have equal access to the labour market and equal opportunities to, and at, work. The Committee calls on the State party to provide adequate protection and ensure the enforcement of labour laws for the benefit of all women workers in all areas. The Committee recommends that sex-disaggregated data on income distribution and wages be collected and included in the next report and that the State party take measures to ensure that a gender perspective is incorporated into all labour policies.

292. The Committee is concerned about the increasing number of women who migrate from Sri Lanka in search of work and find themselves in situations where they are vulnerable. Despite the protective measures taken by the State party, including mandatory registration and insurance coverage, these women are often subjected to abuse and sometimes death.

293. The Committee urges the State party to ensure the full and effective enforcement of the measures taken to protect women migrant workers, including preventing the activities of illegal employment agencies and ensuring that insurance covers the disabled and jobless after they return to Sri Lanka.

294. Noting that the majority of women live in rural areas, the Committee is concerned that economic policies do not incorporate a gender perspective and do not take into account rural women's role as producers.

295. The Committee urges the State party to recognize rural women's contributions to the economy by collecting sex-disaggregated data on rural production and to ensure the incorporation of a gender perspective in all development programmes, with special attention to minority rural women.

296. The Committee is concerned about the high percentage of households headed by women, many of whom are elderly, many illiterate and with meagre means of living.

297. The Committee urges the State party to develop policies and programmes to improve the situation of women-headed households and elderly women, including recognizing women-headed households as equal recipients and beneficiaries of development programmes.

298. The Committee expresses its concern about the continued situation of armed conflict in the north and east of Sri Lanka and the increase of internally displaced persons, the majority of whom are women and children.

299. The Committee urges the State party to allocate more resources to meet the needs of internally displaced women and children and to ensure their privacy, access to health facilities, security and protection from violence. The Committee calls on the State party to ensure full and equal participation of women in the process of conflict resolution and peace-building.

300. The Committee urges the State party to sign and ratify the Optional Protocol to the Convention and to deposit, as soon as possible, its instrument of acceptance of the amendment of article 20, paragraph 1, of the Convention on the meeting time of the Committee.

301. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report submitted under article 18 of the Convention. The Committee, in particular, requests the State party to provide information on the assessment and impact of all laws, policies, plans, programmes and other measures taken to implement the Convention.

302. The Committee requests the wide dissemination in Sri Lanka of the current concluding comments in order to make the people in Sri Lanka, in particular government administrators and politicians, aware of the steps that have been taken to ensure the de jure and de facto equality of women as well as of further steps that are required in this regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

5. Fourth and fifth periodic reports

Portugal

303. The Committee considered the fourth and fifth periodic reports of Portugal (CEDAW/C/PRT/4 and CEDAW/C/PRT/5) at its 534th and 535th meetings, on 18 January 2002 (see CEDAW/C/SR.534 and 535).

(a) Introduction by the State party

304. In introducing the fourth and fifth periodic reports, the representative of Portugal emphasized her country's commitment to the attainment of equality between women and men as an integral part of its respect for democracy. De jure equality was a reality in Portugal, but work had to be done to achieve de facto equality. Measures to achieve equality had been placed under the direct supervision of the Prime Minister in 1995 and, in 1996, the post of High Commissioner for Equality and Family had been created. In 1999, the post of Minister for Equality had been established and its functions absorbed by the Minister of the Presidency. In July 2001, the post of Secretary of State only for Gender Equality had been created and placed in the portfolio of the Deputy Minister to the Prime Minister.

305. As a measure of Portugal's commitment to strengthening the implementation of the Convention and other international instruments, ratification of the Optional Protocol had been approved by Parliament, and the amendment to article 20, paragraph 1, of the Convention had been accepted.

306. The representative stressed that the issue of de facto equality was a concern for the Government, and it was imperative to strengthen women's and men's balanced participation in society, particularly in the areas of labour, decision-making, family and social

protection, and education and to eliminate prevailing gender stereotypes. Obstacles linked to traditional stereotyping had hampered efforts to achieve full equality between women and men and the implementation of the Convention. Two draft laws to achieve equality in political participation at all levels, and to provide compulsory paid parental leave had been introduced in 2001, but because of the political changes in Portugal, they would not be adopted during the current parliamentary period.

307. Many legislative and policy changes, as well as plans and programmes to achieve equality between women and men, had been introduced. In May 2001, legislation providing the Commission for Equality in Work and Employment (CITE) and the General Labour Inspection with additional powers, in particular with regard to investigation of sex-based discrimination in the workplace, employment and in vocational training programmes had been enacted. A second law requiring that the Government provide Parliament with an annual report on the status of equality in employment, the workplace and vocational training programmes had also been enacted. The collection of gender-sensitive information and data had improved and publications, awareness-raising campaigns and seminars and training on gender equality had contributed to better understanding by the public of gender equality issues.

308. The representative noted that her country had almost completed the elaboration of the Second National Plan for Equality between women and men following the objectives established in the Law on General Principles for 2002. The Law and Plan envisaged restructuring the Commission for Equality and Women's Rights (CEWR) and the CITE. The Deputy Minister to the Prime Minister had indicated that the next budgets would be gender-based.

309. The representative emphasized the positive impact in Portugal of the outcome of the Fourth World Conference on Women, in particular with regard to the policies of the Governments elected in 1995 and 1999. She highlighted the constitutional amendments adopted in 1997, which included the promotion of equality between women and men as a basic State responsibility, noting that that provided the necessary legal basis for affirmative actions. Other amendments related to the inclusion in the chapter of rights, liberties and guarantees, legal protection against all forms of discrimination; recognition of the right to reconcile professional and family life for all workers; and consideration that direct and active participation in political life by men and women was a condition of the democratic system and that the law should ensure the promotion of equality in the exercise of civil and political rights and access to public office free of sex-based discrimination.

310. The representative described a series of plans and programmes based on the principles of the Beijing Platform for Action, which included: the 1997 Global Plan for Equal Opportunities, which created the Observatory for Equality in Collective Bargaining, which was a very important tool in the reduction of salary discrimination; and the 1999 National Plan against Domestic Violence. In 1999, the law on maternity and paternity protection had been amended to provide, inter alia, fathers with five days of paid leave during the first month of a child's life and 15 days of paid leave to be taken after maternity or paternity leave. The amended Law also provided for two hours of breastfeeding breaks daily and an entitlement for either the mother or the father to take two hours a day from work to feed a child during its first year. Legislation had extended paid maternity leave to 120 days and increased the penalties for employers who discriminated on the basis of sex or violated the maternity/paternity protective measures.

311. The representative noted that Portugal had benefited from its membership in the European Union and had introduced a series of initiatives while it had held the European Union presidency, namely promoting all aspects of equal opportunities, facilitating the reconciliation of work and family life and aiming, in particular, at increasing the number of women in employment to 60 per cent by 2010, and various conferences on measures to eliminate domestic violence and reconcile professional and family life. Special attention had also been given to the coordination of the European Union's contribution to the Beijing+Five process and the review of the International Labour Organization Convention concerning Maternity Protection.

312. The representative noted that non-governmental organizations had greatly contributed to the advancement of women, both as individual associations and collectively as members of the Consultative Council within the Commission for Equality and Women's Rights. Between 1991 and 2001, the number of non-governmental organizations had increased from

24 to 49, and government subsidies for non-governmental organizations had increased fivefold.

313. Pursuant to the Beijing Platform for Action, Portugal had addressed violence against women through the adoption of various measures, such as the creation of a 24-hour, seven-day-a-week free help line, and the establishment of a network of reception centres for women victims of domestic violence. A formal complaint from the victim of domestic violence was no longer a precondition for prosecution, indemnities to women victims of domestic violence had been introduced, police training had been carried out and specific victim-friendly locations in police stations for victims of domestic violence had been set aside.

314. In concluding her presentation, the representative indicated that inequality between women and men continued to be felt in Portugal despite legal reform and the adoption of international obligations. However, she expressed the view that, since the identification of the causes of the inequality, which had caused such harm to women in public life and men in the private sphere, effective measures that eliminated structural inequalities between women and men could be introduced.

(b) Concluding comments of the Committee

Introduction

315. The Committee expresses its appreciation to the State party for submitting its fourth and fifth periodic reports. It commends the State party for the written replies to the issues raised by the pre-session working group, the supplementary information submitted to the Committee and the State party's oral presentation, which provided additional information on the current situation of the implementation of the Convention in Portugal.

316. The Committee commends the State party on its delegation, headed by the Secretary of State for Equality, and including officials from various branches of the Government.

317. The Committee notes that governmental action, including the Global Plan for Equal Opportunities, is placed within the context of the provisions of the Convention and the implementation of the Beijing Platform for Action.

Positive aspects

318. The Committee commends the Government of Portugal on its commitment to achieving equality and equal opportunities for women, reflected in the progress it has made in implementing the Convention since the consideration of the third periodic report in 1991. The Committee notes with appreciation the range of laws, institutions, policies, plans and programmes put in place to address discrimination against women in Portugal.

319. The Committee welcomes the amendments to the Constitution adopted in 1997, which, inter alia, established the promotion of equality between women and men as a fundamental task of the State. The Committee also welcomes other legislative reforms, including those relating to maternity and paternity leave.

320. The Committee welcomes the 1998 revision of the Penal Code which made violence against women a public offence, rendered police investigation of such offences mandatory and criminalized sexual harassment in the workplace.

321. The Committee notes with satisfaction the high level of women's educational achievement and the increasing diversification in the types of studies pursued by women. The Committee commends the State party on its efforts to recruit women into the police forces and on its system to disseminate information on violence against women.

322. The Committee commends the State party for recognizing stereotypical attitudes as a major source of women's continuing disadvantage and welcomes the different means to address such attitudes, including awareness-raising campaigns and emphasis on shared responsibility in the family.

323. The Committee commends the State party for having accepted the amendment to article 20, paragraph 1, of the Convention, and welcomes the steps taken towards ratification of the Optional Protocol.

Factors and difficulties affecting the implementation of the Convention

324. The Committee notes that there are no significant factors or difficulties that prevent the effective implementation of the Convention in Portugal.

Principal areas of concern and recommendations

325. The Committee, while noting the wealth of information concerning laws, policies, plans and programmes designed to ensure compliance with the Convention, is nonetheless concerned at the general absence of assessment and impact of those measures on women.

326. The Committee requests the State party to provide, in its next report, information on the assessment and impact of all laws, policies, plans, programmes and other measures taken to eliminate discrimination against women in all areas of their lives. The Committee also requests the State party to set time frames within which it intends to achieve its goals.

327. While recognizing the efforts made by the State party to integrate a gender perspective into all policies, the Committee is concerned about the limited resources available for the machinery responsible for gender equality.

328. The Committee urges the State party to increase the financial and human resources available for the machinery and all policies and programmes to eliminate discrimination against women.

329. While recognizing the State party's efforts to address the problem of stereotypes relating to the roles of women in the family and society, the Committee remains concerned at the persistence of these stereotypes and the continuing stereotypical portrayal of women in the media.

330. The Committee calls upon the State party to strengthen measures to change stereotypical attitudes about the roles and responsibilities of women and men, including awareness-raising and educational campaigns directed at both women and men, as well as the media, in order to achieve de facto equality between women and men. It further calls on the State party to encourage the media to contribute to the societal efforts at overcoming such attitudes, and to create opportunities for a positive, non-traditional portrayal of women.

331. While welcoming the measures taken to combat violence against women, including the revisions to the Penal Code providing for the crime of ill-treatment of a spouse or partner and for violence against women to be a public offence, the adoption in 1999 of the National Action Plan to Fight Domestic Violence, and the activities under the INOVAR (innovate) Project, the Committee is concerned about the continuing problem of violence against women, especially domestic violence, and the small number of prosecutions and convictions of offenders.

332. The Committee urges the State party to ensure the systematic implementation of the national action plan and all laws and other measures relating to violence against women, and to monitor their impact. The Committee calls on the State party to take measures aimed at creating zero tolerance for such violence, and to make it socially and morally unacceptable. The Committee further recommends that the State party strengthen measures to sensitize the judiciary and law enforcement personnel to all forms of violence against women that constitute infringements of the human rights of women under the Convention.

333. The Committee is concerned that incest is not defined explicitly as a crime under the Penal Code but is dealt with merely indirectly under a number of different penal provisions.

334. The Committee urges the State party to include incest as a specific crime in the Penal Code so as to make it easier for women and girls who are victims of incest to have access to effective means of redress and protection.

335. The Committee is concerned about the increase in the incidence of trafficking in women and girls.

336. The Committee urges the State party to increase efforts at cross-border and international cooperation, especially with countries of origin and transit as well as with neighbouring receiving countries, to collect data, reduce the incidence of trafficking, prosecute and punish traffickers, and ensure the protection of the human rights of trafficked women and girls. It calls on the State party to ensure that trafficked women and girls have the support that they need so that they can provide testimony against their traffickers. It also urges that training of border police and law enforcement officials provide them with the requisite skills to recognize and provide support for victims of trafficking.

337. The Committee is concerned about the low participation of women in elected and appointed bodies, including as members of parliament and local assemblies, government ministers and secretaries of state, mayors, and high-ranking judges and diplomats.

338. The Committee urges the State party to take measures to increase the representation of women in

elected and appointed bodies through, inter alia, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention in order to realize women's right to participation in all areas of public life and, particularly, at high levels of decision-making.

339. The Committee is concerned about the persistence of the level of illiteracy, and that older women constitute a disproportionate number of illiterates.

340. The Committee encourages the State party to develop programmes specially designed to reduce female illiteracy.

341. The Committee is concerned at the evidence of women's occupational segregation, that the gap between women's and men's wages in the private sector is worsening and at the high percentage of women among unpaid family workers. It is also concerned at the lack of sex-disaggregated data on these matters in respect of the public and private sectors.

342. The Committee urges the State party to collect sex-aggregated data on women's vertical segregation in public and private employment. It also urges the State party to facilitate legal action by women and women's non-governmental organizations on these matters.

343. The Committee is concerned at the apparent lack of legal actions or court decisions where the Convention and/or Constitution have been used to claim the right of equality and obtain redress for acts of discrimination.

344. The Committee urges the State party to ensure that adequate mechanisms and access to legal aid are available to enable women to seek and obtain redress from the courts on the basis of the Constitution and the Convention.

345. The Committee is concerned about the restrictive abortion laws in place in Portugal, in particular because illegal abortions have serious negative impacts on women's health and well-being.

346. The Committee urges the State party to facilitate a national dialogue on women's right to reproductive health, including on the restrictive abortion laws. It also urges the State party to further improve family planning services, ensuring their availability to all women and men, including teenagers and young adults. It requests the State party to include information in its next report on death and/or illness related to or due to illegal abortion.

347. The Committee expresses concern about the lack of information in the reports on rural women, who constitute a significant percentage of the labour force, and on older women.

348. The Committee requests the State party to provide, in its next report, information on the situation of rural and older women, especially as regards their health, employment and educational status.

349. The Committee is concerned about the feminization of poverty and, in particular, the situation of women heads of household.

350. Noting that part II of the National Action Plan for Integration, 2001-2003, sets out the objectives of the campaign against poverty, the Committee requests that the State party provide, in its next report, information on the impact on women and girls of measures taken to eradicate poverty.

351. The Committee encourages the State party to complete the formalities required in order to allow for early ratification of the Optional Protocol to the Convention.

352. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report submitted under article 18 of the Convention.

353. The Committee requests the wide dissemination in Portugal of the present concluding comments in order to make the people of Portugal, in particular government administrators and politicians, aware of the steps that have been taken to ensure the de jure and de facto equality of women and of the further steps that are required in this regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

6. Fifth periodic report

Russian Federation

354. The Committee considered the fifth periodic report of the Russian Federation (CEDAW/USR/5) at its 543rd and 544th meetings, on 25 January 2002 (see CEDAW/C/SR.543 and 544).

(a) Introduction by the State party

355. Introducing the report of her country, the representative of the Russian Federation analysed the implementation of the Convention for the period from 1994 to 1998 and the situation of women within the framework of the current socio-economic climate and political situation in the Russian Federation. The country had experienced an unprecedented transition from a planned economy, a totalitarian regime and a one-party political system to a market economy, a democracy and a multiparty system. Such changes had had a profound impact on all aspects of life of the Russian population in general, and on women in particular, with the despair and fear of the early 1990s being replaced by a sense of optimism and hope.

356. The representative noted that the standard of living and personal incomes of the Russian population had started to rise, emphasizing that those positive developments in the economic sphere had allowed the Russian Government to begin to focus on social policy and programmes. For example, in the 2002 federal budget, more resources were reallocated to all social spheres. The priority was to increase investment in human capital, especially in terms of improving education and health care.

357. During the period covered by the report, the Government had introduced various legislative and administrative measures to improve the status of women, protect their rights and cushion the impact of the transitional period. Women had taken an active part in the reform process, resulting in the expansion of the women's movement, especially over the past three years. Women's non-governmental organizations had participated in all major national events and discussions on socio-economic and political issues. The national discussion on the theme "Initiatives of women citizens as a factor of sustainable development" had been organized within the Civil Forum which was held in November 2001. The representative noted that, with the increased dialogue between women's non-governmental organizations and the Government, there was now a real chance of improving the status of women in the country.

358. Pursuant to the 1995 Beijing Platform for Action, the Government had identified five main priorities for the advancement of women in the Russian Federation. They included women's participation in decision-making, women and the economy, human rights of women, women and health, and the elimination of violence against women. The second National Plan of Action for the advancement of women had been adopted for the period from 2001 to 2005.

359. The representative indicated that, as a result of the efforts of the Government, women's participation in political life, especially at the regional and municipal levels, had increased. She emphasized the importance of the adoption, in 2000, of a Law on Political Parties, which in its article 8 ensured equal rights for women and men to be elected to all political positions. Despite new measures and initiatives, the level of women's participation in the legislative branch of power remained low, and out of 442 members of the State Duma (the lower chamber of Parliament) there were 35 women, while out of 175 members of the Federation Council (the upper chamber of Parliament) there were only four women. The level of women's participation in the executive branch of power was also low. To address that issue, the "Concept of the State Civil Service", currently under development, envisaged the introduction of gender-sensitive training to improve the participation of women at all levels of decision-making.

360. The representative informed the Committee of the adoption of the new Labour Code, which reflected the request of women's non-governmental organizations to limit the number of occupations barred to women. In addition, the Government had developed federal employment programmes for the population that envisaged quotas for women and included social security provisions for the most vulnerable groups of women. She also described plans to conduct a gender analysis of labour legislation and to develop monitoring procedures on women's participation in the labour market. She shared the Government's concern regarding existing discriminatory practices in the recruitment and dismissal of women, especially pregnant women, and the persistence of occupational segregation. Another source of concern was the

substantial deterioration in the situation of rural women.

361. In order to reduce poverty, the Government was planning to increase the minimum wage by a factor of 2.5, expand the system of compensation for housing, review tax legislation, increase subsidies and allowances for mothers and children, and proceed with pension reform. Beginning in 2002, maternity allowances would be increased threefold. The representative described efforts to bring the country out of its demographic crisis by implementing measures to stimulate the birth rate, provide assistance for families, improve the health of the population and reduce maternal and infant mortality.

362. The representative described the health situation in the country. In the period of transition, the quality of health of the population had generally deteriorated, but there had been improvement in the reproductive health of women. The efforts of the Government had resulted in a decrease in the number of abortions, with the absolute number of abortions being reduced by a factor of 1.3, with 1,961 abortions in 2000 as compared, for example, with 2,498 in 1997. However, only 23.6 per cent of women used effective methods of contraception. Among other achievements were the reduction of birth pathology, as well as maternal and infant mortality. Efforts were under way to improve access to health services for rural women. Concern existed with respect to the spread of HIV/AIDS and drug addiction among women, and measures aimed at combating those problems had been introduced.

363. The representative indicated that the issue of violence against women, including domestic violence, continued to be a serious problem for society. Surveys suggested that about 70 per cent of women experienced violence at some time in their lives, and women constituted 40 per cent of the victims of premeditated murders. The Government, together with non-governmental organizations, was designing and implementing a wide range of measures and initiatives aimed at eliminating violence against women. They included the establishment of crisis centres, the introduction of new legislation together with the revision of existing legislation, awareness-raising campaigns, the collection of information and statistical data, gender-sensitive training of law officials and other programmes. The Government had also started to pay very serious attention to the growing problem of sex exploitation and of trafficking in women and girls.

364. She reported on further steps undertaken by the Government to strengthen the national machinery for the advancement of women and mainstream a gender perspective into policy decision-making at the national and regional levels. The role and functions of the Women's Commission, which was responsible for mainstreaming a gender perspective into State policies and programmes in all areas, within the Government had been strengthened and expanded.

365. The representative indicated that the Commission on the Status of Women had been established in the upper chamber of Parliament, and the Department of Women's and Children's Affairs had been established in the Office of Ombudsmen on Human Rights. Many regional governing structures had also created women's commissions, departments or councils. The newly created inter-ministerial commission was responsible for the implementation of regional plans for the advancement of women, while the newly established "Round Table" within the Labour Ministry included representatives of non-governmental and non-commercial organizations and contributed to the mainstreaming of a gender perspective in governmental decisions. It also operated an ongoing negotiating forum between the authorities and women's organizations.

366. In concluding her presentation, the representative noted that, despite some definite progress in the implementation of the Convention, the Government was aware that much more needed to be done to ensure the advancement of women and the achievement of gender equality. She articulated her Government's commitment to further efforts in that regard.

(b) Concluding comments of the Committee

Introduction

367. The Committee expresses its appreciation to the State party for the presentation of its fifth periodic report, which followed the Committee's guidelines. It commends the State party on its informative responses to the list of issues and questions and the frank and comprehensive oral presentation, which updated the Committee on developments in the country since the submission of the report in 1999.

368. The Committee also commends the State party for sending a delegation headed by the First Deputy Minister of Labour and Social Development.

Positive aspects

369. The Committee welcomes the fact that international treaties, including the Convention, are considered to be a component part of the State's legal system and can be directly invoked in domestic courts.

370. The Committee welcomes the enactment of the 1995 Family Code and the 2001 Federal Act on Political Parties. It welcomes the Government's adoption of the 1996 Outline on the advancement of women's socio-economic status and the National Action Plan to increase women's representation in decision-making positions.

371. The Committee also welcomes the publicity given to the Convention in the Russian Federation and the steps taken to distribute the State party's reports and the concluding comments of the Committee.

Factors impeding the implementation of the Convention

372. The Committee considers that the State party's ongoing transformation has had a negative effect on women and has posed an impediment to the full implementation of the Convention.

Principal areas of concern and recommendations

373. The Committee is concerned that the Constitution which recognizes women's right to equality before the law does not contain a definition of discrimination or expressly prohibit discrimination on the ground of sex. The Committee notes that the Constitution has not become an effective instrument to prevent discrimination.

374. The Committee urges the State party to incorporate in the Constitution a specific right of non-discrimination on the ground of sex, and a definition of discrimination, in conformity with article 1 of the Convention. It calls on the State party to introduce effective enforcement procedures and take necessary measures, including public awareness-raising campaigns to ensure effect implementation of women's right to equality.

375. The Committee notes that there is a lack of legislation in critical areas where there is discrimination against women. It is concerned that women are not invoking court procedures to combat sex discrimination because of gaps in the law, evidentiary barriers, a general lack of legal awareness and distrust of the legal system.

376. The Committee recommends that specific legislation and effective enforcement procedures be adopted to combat and eliminate discrimination and respond to violence against women. All such legislation and enforcement procedures should be accompanied by access to legal aid and a vigorous awareness-raising campaign to inform women of their rights.

377. The Committee is concerned that the national machinery for the advancement of women, including the Commission on Enhancement of the Status of Women, may be weakened through its lack of clear legal status and mandate, and insufficient financial and human resources.

378. The Committee urges the State party to confer a clear mandate on, and allocate sufficient financial and human resources to, the national machinery for the advancement of women to enable it to ensure the practical realization of equality for women.

379. The Committee notes with concern the persistence of stereotypes and discriminatory attitudes with respect to the role of women and men in the family and society.

380. While commending the introduction of human rights education in school curricula, the Committee urges the State party to emphasize women's rights as human rights, to increase awareness-raising programmes, including those directed towards men, and to take measures to change stereotypical attitudes and perceptions about the roles and responsibilities of women and men in the family and in society.

381. The Committee is concerned that the representation of women in the political arena at all levels has been decreasing steadily.

382. While acknowledging the Federal Act on Political Parties of July 2001, the Committee recommends that the State party take further measures to give practical and concrete effect to the Act. It requests the State party to adopt additional temporary special measures in accordance with article 4, paragraph 1 of the Convention, in order to increase the number of women at all levels of political decision-making.

383. The Committee is deeply concerned at the deteriorating situation of women in employment and

that women are the overwhelming majority of workers in lower level and low-paying jobs in the various parts of the public sector. It is concerned that women experience significant discrimination in the private sector, and have a low share of the high-paying jobs in that sector. It is also concerned that women constitute the majority of the long-term unemployed.

384. The Committee urges the enactment of an equal employment opportunity law, prohibiting discrimination in hiring, promotion, employment conditions and dismissal, requiring equal pay for work of equal value and providing for effective enforcement procedures and remedies. It recommends that such legislation include temporary special measures, with time-bound targets, in accordance with article 4, paragraph 1, of the Convention, to increase the number of women in higher-level jobs in the public and private sectors.

385. While noting the State party's policy of protecting women against unsafe working conditions, the Committee is concerned that 12 per cent of women work in conditions which do not meet health and safety standards. It is also concerned about the exclusion of women of childbearing age from a list of 456 jobs, which may result in the effective exclusion of women from certain employment sectors. The Committee notes that the list is under reconsideration and also notes that employers may employ women in the prohibited jobs if the necessary standards are in place.

386. The Committee recommends that the State party require all employers to conform to the mandated standards, which would allow both women and men to work in proper conditions of health and safety. Bearing in mind article 11.3 of the Convention, it recommends continued review of the list of prohibited jobs, in consultation with women's non-governmental organizations, with a view to reducing their number.

387. The Committee is concerned at the feminization of poverty and, in particular, that women constitute a large proportion of single-parent families and of the working poor, and at the disproportionate impact of the remaining debt in unpaid back-wages on women in public employment and the poverty of older women.

388. The Committee recommends that, in addition to the measures to reduce poverty in the Programme for Socio-Economic Development of July 2001, the State party collate accurate data on the extent of women's poverty and its causes and, urgently, take special positive measures to alleviate women's poverty as a distinct structural problem.

389. The Committee is deeply disturbed at the high level of domestic violence and of murder of women in this context. It is very concerned that law enforcement officials, in particular tend to view such violence as a private matter between spouses and family members and not as grave crimes. The Committee also regrets that the State party has not taken urgent necessary effective measures to combat domestic violence and that none of the numerous draft bills on domestic violence has been adopted.

390. The Committee urges the State party to place a high priority on measures to address violence against women in the family and society, and adopt laws, policies and programmes in accordance with its general recommendation 19 and the United Nations Declaration on Violence against Women. The Committee recommends that the State party increase its programmes on violence against women, in particular awareness-raising campaigns. It also urges the State party to provide training for law enforcement personnel at all levels, lawyers and judges, health-care professionals and social workers with respect to violence against women in the household and society.

391. The Committee is concerned about reports of ill-treatment of women in pre-detention centres and in prisons. The Committee is deeply concerned by the fact that, despite credible evidence that police officials have used violence against women in custody, the State party has not, as a rule, investigated, disciplined or prosecuted offenders. The Committee is also disturbed by the fact that, despite strong evidence that members of the Russian forces have committed acts of rape or other sexual violence against women in the context of the armed conflict in Chechnya, the State party has failed to conduct the necessary investigations or hold anyone accountable in the vast majority of cases.

392. The Committee urges the State party to take necessary measures to ensure that custodial violence by officials, including acts of sexual violence against women and girls in detention or under investigation, are prosecuted and punished as grave crimes. It also urges the State party to adopt preventive measures, including swift disciplinary inquiries and human rights education programmes for the armed forces and law enforcement personnel.

393. The Committee is concerned about reports regarding the great increase in prostitution and, in particular, at the number of girl street children who are exploited as prostitutes. It is concerned that the poverty of women and girls is the major causal factor.

394. Noting the State party's programmes of action to provide street children with shelter, subsistence and education, the Committee urges the State party to continue and extend such programmes and to apply them, appropriately modified and strengthened, to women forced into prostitution by poverty. It also urges giving priority to the prosecution of those who exploit prostitutes and of adults involved in the exploitation of child prostitutes, with the introduction of special legislative provisions, if necessary.

395. The Committee is concerned at the extent of trafficking of Russian women to foreign countries for sexual exploitation. It notes that, in the period from 1994 to 1997, only four court cases were brought and seven persons were convicted for such offences. In addition, the Committee is concerned that the Russian Federation itself has become a country of destination for trafficked women.

396. The Committee recommends the formulation of a comprehensive strategy to combat the trafficking of women, which should include the prosecution and punishment of offenders, increased international regional and bilateral cooperation, in particular with countries of destination and transit, witness protection and the rehabilitation of women and girls who have been victims of trafficking. The Committee requests the State party to provide, in its next report, comprehensive information on the trafficking of women and girls.

397. Noting the measures taken by the State party to combat the effect of HIV/AIDS on pregnant women, the Committee is concerned that the State party regards HIV/AIDS as primarily resulting from the conduct of individuals in the context of drug abuse and alcoholism.

398. The Committee urges the State party to address the gender aspects of HIV/AIDS, including the power differential between women and men, which often prevents women from insisting on safe and responsible sex practices. It encourages the State party to strengthen its efforts to raise awareness and educate women and girls on ways to protect themselves from HIV/AIDS. The Committee urges the State party to ensure the equal rights and the access of women and girls to detection, health care and social services.

399. The Committee is concerned at the deterioration of the health-care system, which severely limits women's access to health care. It is also concerned at the state of women's health, in particular the increase in gynaecological problems and pregnancies among teenage girls. The Committee also notes with concern that, although there has been a decrease in the rate of abortions, abortion continues to be used as a method of birth control and the number of women using effective contraceptive measures is low.

400. The Committee recommends in accordance with general recommendation 24 on article 12 — women and health that the State party fully implement a life-cycle approach to women's health and urges the State party to strengthen family planning programmes and provide affordable access to contraceptive measures for all women in all regions. It also urges the State party to include sex education in the school curriculum.

401. The Committee expresses concern with regard to the situation of rural women and, in particular, their degree of access to income-generating activities.

402. The Committee requests the State party to provide more information and data on the situation of rural women in its next periodic report. It recommends that the State party pay greater attention to the situation of rural women and develop special policies and programmes aimed at their economic empowerment, ensuring their access to capital and productive resources.

403. The Committee welcomes the State party's commitment to ratifying the Optional Protocol to the Convention in 2003, and to deposit as soon as possible its instrument of acceptance to the amendment to article 20, paragraph 1, of the Convention.

404. The Committee urges the State party to respond in its next periodic report to the specific issues raised in the present concluding comments and to provide updated data and statistics disaggregated by sex and age.

405. The Committee requests the wide dissemination in the Russian Federation of the current concluding comments in order to inform the public in general, and government administrators and politicians in particular, of the steps that have been taken to ensure the de jure and de facto equality of women as well as of further

steps that are required in this regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action, and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

Chapter V
Activities carried out under the Optional Protocol to the Convention

406. Article 12 of the Optional Protocol to the Convention provides that the Committee shall include in its annual report under article 21 of the Convention a summary of its activities under the Protocol.

407. The Committee adopted the draft model communication form which had been formulated by the Working Group on the Optional Protocol. The communication form, as finalized, was as follows:

> The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women entered into force on 22 December 2000. It entitles the Committee on the Elimination of Discrimination against Women, a body of 23 independent experts, to receive and consider communications (petitions) from, or on behalf of, individuals or a group of individuals who claim to be victims of violations of the rights protected by the Convention.
>
> To be considered by the Committee, a communication:
>
> - must be in writing;
> - may not be anonymous;
> - must refer to a State which is a party to both the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol;
> - must be submitted by, or on behalf of, an individual or a group of individuals under the jurisdiction of a State which is a party to the Convention and the Optional Protocol. In cases where a communication is submitted on behalf of an individual or a group of individuals, their consent is necessary unless the person submitting the communication can justify acting on their behalf without such consent.
>
> A communication will *not* normally be considered by the Committee:
>
> - unless all available domestic remedies have been exhausted;
> - where the same matter is being or has already been examined by the Committee or another international procedure;
> - if it concerns an alleged violation occurring before the entry into force of the Optional Protocol for the State.
>
> *In order for a communication to be considered the victim or victims must agree to disclose her/their identity to the State against which the violation is alleged. The communication, if admissible, will be brought confidentially to the attention of the State party concerned.*
>
> • • •
>
> If you wish to submit a communication, please follow the guidelines below as closely as possible. Also, please submit any relevant information which becomes available *after* you have submitted this form.
>
> Further information on the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, as well as the rules of procedure of the Committee can be found at: http://www.un.org/womenwatch/daw/cedaw/index.html
>
> **Guidelines for submission**
>
> The following questionnaire provides a guideline for those who wish to submit a communication for consideration by the Committee on the Elimination of Discrimination against Women under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Please provide as much information as available in response to the items listed below.

Send your communication to:

Committee on the Elimination of Discrimination against Women

c/o Division for the Advancement of Women, Department of Economic and Social Affairs
United Nations Secretariat
2 United Nations Plaza
DC-2/12th Floor
New York, NY 10017
United States of America

Fax: 1-212-963-3463

1. Information concerning the author(s) of the communication

- Family name
- First name
- Date and place of birth
- Nationality/citizenship
- Passport/identity card number (if available)
- Sex
- Marital status/children
- Profession
- Ethnic background, religious affiliation, social group (if relevant)
- Present address
- Mailing address for confidential correspondence (if other than present address)
- Fax/telephone/e-mail

- Indicate whether you are submitting the communication as:

– Alleged victim(s). If there is a group of individuals alleged to be victims, provide basic information about each individual.

– On behalf of the alleged victim(s). Provide evidence showing the consent of the victim(s), or reasons that justify submitting the communication without such consent.

2. Information concerning the alleged victim(s) (if other than the author)

- Family name
- First name
- Date and place of birth
- Nationality/citizenship
- Passport/identity card number (if available)
- Sex
- Marital status/children
- Profession
- Ethnic background, religious affiliation, social group (if relevant)
- Present address
- Mailing address for confidential correspondence (if other than present address)
- Fax/telephone/e-mail

3. Information on the State party concerned

- Name of the State party (country)

4. Nature of the alleged violation(s)

Provide detailed information to substantiate your claim, including:

- Description of alleged violation(s) and alleged perpetrator(s)
- Date(s)
- Place(s)
- Provisions of the Convention on the Elimination of All Forms of Discrimination against Women that were allegedly violated. If the communication refers to more than one provision, describe each issue separately.

5. Steps taken to exhaust domestic remedies

Describe the action taken to exhaust domestic remedies; for example, attempts to obtain legal, administrative, legislative, policy or programme remedies, including:

- Type(s) of remedy sought
- Date(s)
- Place(s)
- Who initiated the action
- Which authority or body was addressed
- Name of court hearing the case (if any)
- If domestic remedies have not been exhausted, explain why.

Please note: Enclose copies of all relevant documentation.

6. Other international procedures

Has the same matter already been examined or is it being examined under another procedure of international investigation or settlement? If yes, explain:

- Type of procedure(s)
- Date(s)
- Place(s)
- Results (if any)

Please note: Enclose copies of all relevant documentation.

7. Date and signature

Date/place: _____

Signature of author(s) and/or victim(s):

_____

8. List of documents attached (do *not* send originals, only copies)

Chapter VI
Ways and means of expediting the work of the Committee

408. The Committee considered agenda item 7, on ways and means of expediting its work, at its 529th and 549th meetings, on 14 January and 1 February 2002 (see CEDAW/C/SR.529 and 549).

409. In introducing the item, the Chief of the Women's Rights Unit of the Division for the Advancement of Women, Department of Economic and Social Affairs of the United Nations Secretariat, drew attention to the report of the Secretariat (CEDAW/C/2002/I/4). She also drew attention to the two informal documents containing the compilation of the concluding comments of the Committee, prepared in response to the request of the Committee at its twenty-fourth session, and the compilation of the decisions and suggestions on working methods adopted by the Committee since its first session in 1982, also prepared in response to the request of the Committee at its twenty-fourth session.

Action taken by the Committee under agenda item 7

1. Members of the pre-sessional working group for the twenty-seventh session

410. The Committee decided that the members of the pre-sessional working group for the twenty-seventh session and their alternates should be:

Members:

Charlotte Abaka (Africa)
Rosario Manalo (Asia)
Ivanka Corti (Europe)
Yolanda Ferrer Gómez (Latin America and the Caribbean)

Alternates:

Mavivi Myakayaka-Manzini (Africa)
Heisoo Shin (Asia)
Göran Melander (Europe)
Rosalyn Hazelle (Latin America and the Caribbean)

2. Dates of the twenty-seventh session of the Committee and its pre-sessional working group

411. In conformity with the approved calendar of conferences and meetings for 2002, the twenty-seventh session of the Committee will be held from 3 to 21 June 2002. It was agreed that the pre-sessional working group for the twenty-eighth session would meet from 24 to 28 June 2002.

3. Reports to be considered at future sessions

412. The Committee decided to consider the following reports at its twenty-seventh, exceptional, twenty-eighth and twenty-ninth sessions:

(a) Twenty-seventh session:

(i) Initial reports:

Congo;

Costa Rica;

St. Kitts and Nevis;

(ii) Combined third and fourth periodic reports:

Belgium;

Tunisia;

Zambia;

(iii) Combined fourth and fifth periodic report:

Ukraine;

(iv) Fourth and fifth periodic reports:

Denmark.

In the event that one of the above-mentioned States parties is unable to present its report, the Committee would consider the initial report of Suriname.

(b) Exceptional session authorized by the General Assembly at its fifty-sixth session in its resolution 56/229:

(i) Second periodic reports:

Armenia;

Czech Republic;

(ii) Third periodic report:

Uganda;

(iii) Combined third and fourth periodic report and fifth periodic report:

Guatemala;

(iv) Fourth periodic report:

Barbados;

(v) Fourth and fifth periodic reports:

Argentina;

Yemen;

(vi) Combined fourth and fifth periodic reports:

Greece;

Hungary;

(vii) Fifth periodic reports:

Mexico;

Peru;

(c) Twenty-eighth session:

(i) Initial report:

Suriname;

(ii) Second periodic reports:

Libyan Arab Jamahiriya;

Morocco;

Slovenia;

(iii) Third periodic reports:

El Salvador;

Israel;

Kenya;

(iv) Fifth and sixth periodic reports:

Norway;

(d) Twenty-ninth session:

(i) Initial report:

None;

(ii) Combined third and fourth periodic report:

France;

(iii) Fourth periodic report:

Japan.

4. United Nations meetings to be attended by the Chairperson or members of the Committee in 2002

413. The Committee recommended that the Chairperson or an alternate attend the following meetings in 2002:

(a) The forty-sixth session of the Commission on the Status of Women;

(b) The fifty-eighth session of the Commission on Human Rights;

(c) The day of general discussion of the Committee on Economic, Social and Cultural Rights on the Equal Right of Men and Women to the Enjoyment of all economic, social and cultural rights, to be held on 13 May 2002;

(d) The fourteenth meeting of persons chairing the human rights treaty bodies;

(e) The fifty-seventh session of the General Assembly (Third Committee).

Chapter VII
Implementation of article 21 of the Convention

414. The Committee considered agenda item 6, on the implementation of article 21 of the Convention, at its 529th and 549th meetings (see CEDAW/C/SR.529 and 549).

415. The item was introduced by the Chief of the Women's Rights Unit of the Division for the Advancement of Women, Department of Economic and Social Affairs of the United Nations Secretariat, who drew attention to a note by the Secretary-General on the reports of specialized agencies (CEDAW/C/2002/I/3) and the reports of specialized agencies on the implementation of the Convention in areas falling within the scope of their activity (CEDAW/C/2002/I/3/Add.1-4).

Action taken by the Committee under agenda item 6

1. General recommendation on article 4, paragraph 1, of the Convention

416. In accordance with its three-stage process for the preparation of general recommendations, the Committee agreed to hold an open discussion with representatives of United Nations system bodies and non-governmental organizations on article 4.1 of the Convention at its twenty-seventh session, in June 2002. It also designated one of its members to prepare a draft general recommendation on article 4.1 of the Convention to be circulated to the Committee prior to its twenty-eighth session, to be held in January 2003.

2. Statement of solidarity with Afghan women

417. On the occasion of its twenty-sixth session, the Committee on the Elimination of Discrimination against Women fully expresses its solidarity with, and support for, the women of Afghanistan.

418. Afghan women have suffered for a considerable time every privation known to humankind, losing all their fundamental human rights, particularly the right to life, education, health and work.

419. The participation of Afghan women as full and equal partners with men is essential for the reconstruction and development of their country.

420. The Committee welcomes the resolve of the international community to assist in the reconstruction of Afghanistan, and calls upon all parties concerned to respect internationally recognized principles, norms and standards of human rights, particularly the human rights of women, which are an inalienable, integral and indivisible part of universal human rights, in all their actions and activities. The Committee considers this essential in order to achieve peace and stability in the country.

421. The Committee expresses the hope that the human rights of women, as provided for in the Convention on the Elimination of All Forms of Discrimination against Women, signed by Afghanistan in 1980, will guide all actions in both the public and private spheres.

3. Gender and sustainable development

422. The Committee on the Elimination of Discrimination against Women welcomes the decision to convene the World Summit on Sustainable Development with a view to launching new concrete action programmes to implement a clear global agenda for sustainable development. It notes that that agenda is based on Agenda 21, chapter 24 of which emphasizes women's contribution to development, the Rio Declaration on Environment and Development and related initiatives, and conventions related to the United Nations Conference on Environment and Development.

423. The Committee wishes to emphasize that peaceful conflict management and resolution at the national and international levels, with participation of women in negotiations, is essential for the achievement of sustainable development.

424. The Committee's work has highlighted the urgent need to ensure that globalization, policies and plans of action that facilitate international trade and the transition to market economic policies are gender-sensitive and improve the quality of life of women, who constitute more than 50 per cent of the population in almost all countries. It urges that the concept of sustainable development be perceived as gender-sensitive, people-centred human development, based on equality and equity, participation of government and civil society, transparency and accountability in governance. The Committee wishes to emphasize that sustainable development in that sense can only be

achieved by the full realization of human rights, including the human rights of women and the inter-generational rights of all communities.

425. The Convention on the Elimination of All Forms of Discrimination against Women is one of the first international human rights instruments to combine civil and political rights and socio-economic rights. The Convention, the Beijing Declaration and Platform for Action and the Political Declaration and outcome document of the twenty-third special session of the General Assembly must therefore be recognized as important legal, policy and programmatic instruments that also provide a clear agenda that must be integrated into sustainable human development.

426. The Committee therefore calls upon the Summit to integrate gender equality into the new action plan for sustainable development since development efforts that are not engendered are endangered and cannot be sustained, particularly in an increasingly interdependent world economy. If sustainable development is to realize economic, social and environmental goals, women's needs and concerns must be given equal priority with those of men. Furthermore, women's contribution must be recognized, enhanced and given full visibility in working towards sustainable development.

427. The reports submitted to the Committee by States parties demonstrate that women all over the world continue to suffer discrimination because of their sex. They are excluded to varying extents from full participation, on equal terms with men, in the political, social and economic life of their societies.

428. Women are also disproportionately affected by the negative impact of external debt, the implementation of structural adjustment programmes, the decrease in the price of local produce, the decline in levels of development assistance and growing disparities in the distribution of wealth. They are often disadvantaged in terms of the benefits of economic and social development, in particular education and employment, and suffer disproportionately from poverty, malnutrition and inadequacy of health care. All those phenomena are particularly severe in rural areas, where about three quarters of the world's poor live and work.

429. Convinced that sustainable development cannot be achieved without addressing the above problems or a commitment to the full realization of the human rights of women or without ensuring women's full participation in implementing the agenda for sustainable development, the Committee recommends that:

(a) Women be considered as stakeholders with an important contribution to make to sustainable development. The empowerment of women, at all levels, in leadership and decision-making roles in government and as responsible members of civil society must be considered central to sustainable development;

(b) Poverty reduction programmes consider and address the problem of the feminization of poverty and the need to create sustainable livelihoods for rural and urban women;

(c) Providing women with access to adequate health care, including reproductive health care, and providing women and men with the knowledge and means to avoid the spread of HIV/AIDS be considered a critical aspect of sustainable development;

(d) Since investment in the education and capacity-building of women and girls is a catalyst for improved social indicators and human development in all countries, greater emphasis be given to the education of women and girls, particularly as regards access to scientific education and modern information and communication technology;

(e) Controls, laws and policies be adopted and implemented to prevent the negative and harmful impact of tourism, which, although it is an important growth sector, often results in sexual exploitation, trafficking and violence against women and children;

(f) Resources be allocated to preventing and eliminating all forms of violence against women since the prevalence of such violence constitutes a serious impediment to sustainable development, peace and stability in all societies;

(g) While recognizing that industry contributes to economic growth and employment creation, codes of ethics and action programmes be formulated and implemented for multinational corporations, especially those that operate in investment and export promotion zones. The Committee also considers that there is an urgent need to develop and promote the concept of corporate responsibility to women workers so that they are offered equitable employment conditions, with adequate safeguards for occupational health;

(h) Sustainable forest management systems be developed to address the concerns of rural women, recognizing in particular women's land entitlement;

(i) Increased access to safe drinking water and adequate sanitation facilities be provided;

(j) Priority be given in developing action plans and measures to address climate change, pollution and their adverse effects, in particular on the health of women and children;

(k) Further policies and measures be developed to mitigate the adverse effects of natural disasters on women and children;

(l) Action plans be developed to make general credit facilities accessible to women at all levels and to expand microfinancing for low-income women's entrepreneurial activities;

(m) Particular attention be given to reducing poverty among older women, who constitute the majority of the over-60 population in many countries;

(n) Intergovernmental processes in the United Nations system promote holistic approaches to development through gender-sensitive policy formulation, decision-making and financing, in partnership with national Governments, relevant regional organizations and civil society. The Committee considers that programming and decision-making in that participatory manner is critical for sustainable development.

4. Ending discrimination against older women through the Convention

430. The Committee on the Elimination of Discrimination against Women welcomes the convening of the second World Assembly on Ageing in Madrid, and urges that special attention be focused on the special needs of older women. The situation of older women is of concern to the Committee, which is the United Nations treaty body in charge of monitoring the implementation of the 1979 Convention on the Elimination of All Forms of Discrimination against Women. The Convention, often described as the international bill of rights for women, defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.

431. The Convention is an important tool for addressing the specific issue of the human rights of older women. Discrimination against women in all areas of their lives throughout their lifespan has a severe and compounded impact on women in old age. The Committee has increasingly used the Convention to point out the discrimination faced by older women in all countries of the world and, in its concluding comments, has suggested ways to improve the quality of life of these women. In particular, the Committee has recommended action, inter alia, to address the situation of older women living in poverty, particularly in rural areas; to address the physical, financial and emotional needs of older women; and to improve older women's access to health care.

432. The Committee therefore urges States parties to include and integrate women's perspectives into all aspects of the proposed international strategies for action on ageing.

433. The Committee places strong emphasis on the need for Governments to collect and analyse statistical data disaggregated by sex and age as a way to better assess living conditions, including the incidence of poverty and violence against women of all ages, and stresses the importance of formulating and implementing programmes with a life-cycle approach to older women's economic and social well-being and empowerment.

434. Furthermore, the Committee recommends that special attention be paid to improving the further education of older women. The Committee recommends that measures be taken to increase the literacy levels of older women and to reduce the literacy gap between older women in urban and rural areas. It also recommends the design and implementation of gender-sensitive policies and programmes that address the specific needs of older women, including those relating to their physical, mental, social and economic well-being.

435. Older women, for a variety of reasons, including their work as unpaid family members in the informal sector, part-time work, interrupted career patterns and concentration in low-paying jobs, are often insufficiently covered by health insurance and pension schemes. Migration and the breakdown of supportive family structures often leave older women dependent on State assistance the providers of which have not been trained to recognize or meet their specific

educational, financial and health needs. The Committee recommends that the issue of the care required for older women be addressed through public policy measures in order to establish societal responsibility for their well-being. Care given to them by family members should be socially and financially recognized and encouraged.

436. Special recognition should be provided to the contribution of women to their families, the national economy and civil society throughout their life span: stereotypes and taboos that restrict or limit older women from continuing to contribute should be eliminated.

Chapter VIII
Provisional agenda for the twenty-seventh session

437. The Committee considered the draft provisional agenda for its twenty-seventh session at its 549th meeting (see CEDAW/C/SR.549). The Committee decided to approve the following provisional agenda for the session:

1. Opening of the session.
2. Adoption of the agenda and organization of work.
3. Report of the Chairperson on activities undertaken between the twenty-sixth and twenty-seventh sessions of the Committee.
4. Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
5. Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.
6. Ways and means of expediting the work of the Committee.
7. Provisional agenda for the exceptional and twenty-eighth sessions.
8. Adoption of the report of the Committee on its twenty-seventh session.

Chapter IX
Adoption of the report

438. The Committee considered the draft report on its twenty-sixth session (CEDAW/C/2002/I/L.1 and CEDAW/C/2002/I/CRP.3 and Add.1-7) at its 549th meeting (see CEDAW/C/SR.549), and adopted it, as orally revised during the discussion.